A SUMMARY OF LEGISLATION

TRULY AGREED TO AND FINALLY PASSED

by the

95th General Assembly

Second Regular Session

2010

Prepared by the

Divisions of Research, Computer Information Systems

and Administration

of the

MISSOURI SENATE

***** SB 578 *****

SPONSOR: Shields HANDLER: Flook

SS/SB 578 - This act establishes the Port Improvement District Act. Under the terms of the act, a port authority may establish a port improvement district within its boundaries for the purpose of funding qualified project costs. The port authority board must hold public hearings on whether to create port improvement district. After the public hearing, the board may approve the petition to create a district by resolution. The port authority board must file a petition in circuit court requesting the creation of a port improvement district. Within 30 days of the circuit court's certification of the petition and establishment of the district, the board must file a copy of the board's resolution approving the petition, the certified petition and the court's judgment certifying and establishing the district with the Missouri Highways and Transportation Commission.

Under the act, port authorities located within Clay County do not have authority to establish port improvement districts within their port authority boundaries (SA 2).

CONTENTS OF PETITION TO CREATE A DISTRICT - The act sets forth what information the petition must contain in order to be certified by the circuit court. For example, the petition must set forth a legal description of the district, the district's name, the maximum rate and duration of any proposed real property or sales tax, and the estimated revenues projected to be generated from such taxes.

PUBLIC HEARING ON PROPOSED PETITION - The act establishes the notice requirements the port authority board must follow prior to submitting the petition to the circuit court. A public hearing must be held on the proposed projects, proposed real property or sales taxes, and the establishment of the district. The act requires notice to be provided by both publication and mailing.

CIRCUIT COURT HEARING PROCEDURE - The act establishes the procedure in which the circuit court must conduct certification hearing. A copy of the petition must be served on all of the respondents (property owners, political subdivisions, etc.). The respondents will have 30 days after receipt of service to file an answer stating agreement with or opposition to the creation of the district. The court will the hear the case without a jury. The parties may appeal a circuit court's order in the same manner provided for other appeals.

NOTICE TO PUBLIC FOR CIRCUIT COURT HEARING - The act also establishes how the circuit clerk must provide notice to the public of the circuit court hearing. The statutory notice shall be published in a newspaper of general circulation once a week for four consecutive weeks.

TERMINATION OF DISTRICT - The act establishes a procedure in which a port improvement district may be terminated. The district may be terminated by a board resolution provided that there are no outstanding obligations secured by district revenues. Public hearings must be held before a district is terminated.

REAL PROPERTY TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS - Under the terms of the act, the port authority may levy a real property tax provided the qualified voters approve the tax by mail-in ballot. The act sets forth the sample ballot language. The act also establishes the procedure in which the real property taxes are collected and distributed. The act exempts railroad property from port improvement district real property taxes unless agreed to by writing by the property owner.

SALES AND USE TAX AUTHORIZED - SUBMISSION TO QUALIFIED VOTERS - Under the terms of the act, the port authority may levy sales and use taxes within the district in increments of one-eight of one percent, up to a maximum of one percent provided the sales and use tax is approved by the qualified voters in a mail-in ballot election. The act establishes a procedure for collecting and distributing the sales and use tax. Revenues generated from the sales and use tax must be deposited into a special trust fund. Port authorities may repeal by resolution any sales and use tax unless the repeal would impair the port authority's ability to repay any obligations the port authority has incurred to pay qualified project costs of the district.

***** SB 578 ***** **(Cont'd)**

SPONSOR: Shields HANDLER: Flook

ELECTION PROCEDURE FOR REAL PROPERTY AND SALES TAX - The act sets forth an election procedure that must be followed for any proposed real property tax or sales and use tax. After the board has passed a resolution approving the levying of a tax, the board must provide written notice of the resolution, along with the circuit court's certified question regarding the tax, to the election authority. After receiving the written notice of the resolution and the court's certified question, the election authority must specify a date upon which the election shall occur. In addition, the election authority must publish notice of the election in a newspaper of general circulation. The election authority must mail ballots to the qualified voters. Each qualified voter shall have one vote. The act requires the port authority to reimburse the election authority for the costs incurred to conduct an election. A port authority may propose a real property tax and a sales and use tax question to the district's qualified voters in the same election.

STATUTE OF LIMITATIONS FOR CHALLENGING VALIDITY OF DISTRICT'S CREATION OR VALIDITY OF TAXES - Under the terms of the act, no lawsuit to set aside an established district or a tax shall be brought after the expiration of 90 days from the effective date of the resolution establishing such district in question or the effective date of the resolution levying such real property or sales tax.

ANNUAL REPORTS BY PORT AUTHORITIES - The act requires port authorities that have formed port improvement districts to file reports with the Department of Transportation and the local political subdivision in which the district was formed stating the services provided, the revenues collected and expenditures made by the district during the fiscal year. The port authority must submit an annual report of the district's financial transactions to the State Auditor.

COMPETITIVE BIDS - Under this act, expenditures made by port authorities over $25,000, including professional service contracts, must be competitively bid (Section 68.057).

The act contains a nonseverability clause (SA 1).

The provisions of this act are identical to SB 215 (2009) (Sections 68.200 to 68.260).
STEPHEN WITTE

***** SB 583 *****

SPONSOR: Champion HANDLER: Hobbs

HCS/SCS/SB 583 - This act modifies various provisions of law relating to the regulation of insurance.

TRAILER DEALERS - The act also exempts trailer dealers from furnishing copies of current dealer garage liability insurance policies when applying for a trailer dealer license (Section 301.560). This provision of the act is identical to the one contained in HB 2111 (2010) SB 464, SB 357 and HB 365 (2009).

NONRESIDENT FINANCIAL RESPONSIBILITY - Under this act, a nonresident shall not operate a motor vehicle in Missouri unless the nonresident maintains financial responsibility which conforms to the requirements of the laws of the nonresident's state of residence. A nonresident who fails to maintain financial responsibility is guilty of a Class C misdemeanor (Sections 303.025 and 303.040). These provisions are similar to, but not identical to, provisions which can be found in HB 2111 (2010), SCS/SB 902 (2010)and the perfected version of SB 781 (2010).

HEALTH CARE MATERIAL IN ELECTRONIC FORMAT - This act allows an enrollee participating in a health benefit plan to receive documents and materials from a managed care entity in printed or electronic form so long as such documents are readily accessible in printed form upon request. Such requested printed material shall be provided to the enrollee within fifteen business days. This act also allows health maintenance organizations to provide the required disclosure information online unless a paper copy is requested by the enrollee. Such requested paper copy shall be provided to the enrollee within 15

business days. This portion of the act is similar to SB 972 (2010) and is similar to, but not identical to, provisions contained in HB 2205 (2010)(Sections 354.442 and 376.1450).

LIFE INSURANCE PRODUCER EXAMINATIONS - This act requires the director of the Department of Insurance or a vendor under contract with the Department of Insurance, to review life insurance producer license examinations if, during a 12-month period beginning on September 1, the examinations show an overall pass rate of less than 70 percent for first-time examinees. The act requires the department to collect demographic information, including, race, gender, and national origin, from an individual taking a producer license examination. The act further requires the department to compile an annual report based on the examination review. The report must indicate whether there was any disparity in the pass rate based on demographic information. The act authorizes the director by rule to establish procedures as necessary to collect demographic information necessary to implement the act and ensure that a review is conducted and the resulting report is prepared. The act also requires the director to deliver the report to the Governor, the Lieutenant Governor, the President Pro tem and the Speaker of the House of Representatives not later than December 1 of each year (Section 375.024). A similar provision may be found in SB 706 (2010).

DETERMINING WHETHER AN INSURANCE COMPANY IS OPERATING IN A HAZARDOUS FINANCIAL CONDITION - This act authorizes the director of the Department of Insurance to determine whether an insurance company is in a hazardous financial condition. Under the act, the director may deem any property or casualty insurance company which has any policy in force with a net retained risk that exceeds 10% of the company's capital and surplus to be in a hazardous financial condition. The act also sets forth twenty factors for the director to consider when determining whether an insurance company may be in hazardous financial condition. For example, the director may consider "adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries" when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the director determines that the continued operation of an insurer may be hazardous to Missouri' policyholders, creditors or the general public, the director may issue an order requiring the insurer to take various actions. For instance, the director may require the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the director may request a hearing and the hearing shall be conducted in private unless the insurer requests a public hearing (section 375.539). This provision may also be found in SCS/SB 685 and SB 777 (2010).

RBC TREND TEST - This act modifies Missouri's current law regarding risk-based capital (amount of required capital that the insurance company must maintain based on the inherent risks in the insurer's operations) reporting requirements for property and casualty insurance companies. Under this act, the Department of Insurance may require a property and casualty insurance company to take action if its risk based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for property and casualty insurance companies is stated in the act as a company action level event where "the insurer has total adjusted capital which is greater than or equal to its Company Action Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property & Casualty RBC report instructions." Risk-Based Capital tests the adequacy of an insurance company's capital to meet the risks posed by its investment portfolio and the types and volume of insurance it underwrites. Risk-based capital tests the adequacy of an insurance company's capital by comparing its actual capital to the minimum amount capital determined necessary to operate the insurance company based on the risk factors associated with the volume and type of insurance business it transacts and the types of investments it makes (section 375.1255). This provision may also be found in SCS/SB 685 and SB 777(2010).

INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT - This act amends the "Insurers Supervision, Rehabilitation and Liquidation Act" (Sections 375.1150 to 375.1246), to provide for the

treatment of qualified financial contracts in insurance insolvency proceedings. The central purpose of the act is to increase certainty of insurers and their creditors with respect to the enforceability of certain financial market transactions and related netting agreements in the event of an insurer insolvency. To accomplish this, this act adopts certain termination, netting, and liquidation provisions applicable to derivative transactions that are contained in the latest version of the NAIC Insurance Receivership Model Act (IRMA). These provisions are similar to the ones contained in SB 978, SB 777, HB 2222 and HB 2205 (2010).

The act provides definitions for specific types of financial contracts commonly used in the financial markets, including commodity contracts, forward contracts, qualified financial contracts, and the related netting agreements. As defined in this act, "qualified financial contracts" encompass a range of commonly traded financial market contracts, including over-the counter and exchange traded derivatives, such as swap agreements, forward contracts, securities contracts, repurchase (repo) agreements, and commodity contracts. The act also provides a definition for the term "netting agreement". A "netting agreement" is defined, based upon IRMA, as a contract or agreement that documents one or more transactions between the parties for or involving one or more qualified financial contracts and that provides for the netting or liquidation of qualified financial contracts or present or future payment obligations or payment entitlements thereunder (Section 375.1152).

The act provides for the enforcement and recognition of the contractual rights of the insurer's counterparties under qualified financial contracts, netting agreements, and related security agreements to terminate, accelerate, and close out such contracts, to offset and net off obligations owing under such contracts, and to enforce any security rights under such agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding (subsection 3 of Section 375.1155). These provisions are similar to ones found in SCS/SB 978 (2010).

The act provides for the enforcement and recognition of the contractual rights of the insurer's counterparties under qualified financial contracts, netting agreements, and related security agreements to terminate, accelerate, and close out such contracts, to offset and net off obligations owing under such contracts, and to enforce any security rights under such agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding (subsection 3 of Section 375.1155 and subsection 1 of Section 375.1191).

This act provides for the transfer of any net or settlement amount owing under a qualified financial contract by the nondefaulting party to the insurer to the receiver. If netting results in an amount owing to the insurer, this provision confirms that the receiver steps into the "insurer's shoes" as to that net amount (subsection 2 of Section 375.1191).

The act provides for the transfer of all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver (subsections 3 and 4 of Section 375.1191).

This act provides for validation of payments and transfers of money and property under netting agreements and qualified financial contracts made prior to the commencement of a formal delinquency proceeding, unless such transfers were made with actual intent to hinder, delay or defraud the insurer, the receiver appointed for the insurer, or other creditors (subsection 5 of Section 375.1191).

This act provides that if the receiver disaffirms or repudiates any qualified financial contracts or netting agreements with a counterparty, the receiver must disaffirm or repudiate all such contacts (subsection 6 of Section 375.1191). The act also establishes the amount of the counterparty's claim in the event of disaffirmance or repudiations. The amount of a claim for damages shall be actual direct compensatory damages as of the date of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract.

SPONSOR: Champion HANDLER: Hobbs

VOLUNTARY LIQUIDATION OF DOMESTIC STOCK INSURANCE COMPANIES -
Under this act, a domestic insurer organized as a stock insurance company may voluntarily dissolve and liquidate provided that the director of the Department of Insurance approves the articles of dissolution prior to the insurer's filing of such articles with the Secretary of State and the insurer files with the Secretary of State a copy of the director's approval, certified by the director, along with articles of dissolution.

In determining whether to approve the articles of dissolution, the director shall consider, among other factors, whether:

1) The insurer's annual financial statements filed with the director show no written insurance premiums for 5 years;

2) The insurer has demonstrated that all policyholder claims have been satisfied or have been transferred to another insurer in a transaction approved by the director; and

3) A market conduct examination of the insurer has been completed within the last 5 years (Section 375.1175). This provision is identical the one contained in SCS/SB 834 and HB 1764 (2010).

MISSOURI LIFE AND HEALTH INSURANCE GUARANTY ASSOCIATION ACT - This act updates various provisions of the "Missouri Life and Health Insurance Guaranty Association Act".

The act clarifies that structured settlement annuities are covered by the guaranty association and are subject to a cap of $250,000. The act also provides rules for determining how the responsibility for coverage of these types of annuities is allocated among state guaranty associations (Section 376.717.1(3)).

The act expands the list of areas in which the guaranty association will not provide coverage. Under the act, the guaranty association will not provide coverage for:

1) An obligation that does not arise under the express written terms of the policy or contract issued by the insolvent insurer;

2) Any portion of a policy or contract to the extent that required assessments are preempted by federal or state law;

3) Certain contracts which establish benefits by reference to a portfolio of assets not owned by the insurer;

4) Certain types of indexed policies;

5) A policy providing any hospital, medical, prescription drug or other health care benefits pursuant to Part C or Part D of Subchapter XVIII, Chapter 7 of Title 42 of the United States Code (commonly known as Medicare Part C & D) or any regulations issued thereunder (Section 376.717.3(7)-(12)).

The act adds several clarifying definitions, including the definition of an "owner" of a policy, and the standard for determining the "principal place of business" of a corporation (for the purpose of applying the residency test that determines which state guaranty association has coverage responsibility)(Section 376.718).

The act makes a number of technical changes clarifying the guaranty association's options in providing coverage (Section 376.724); how terminated policies are handled (Section 376.725); the guaranty association's standing to appear or intervene in litigation (Section 376.732); the guaranty association's assignment and subrogation rights (Section 376.733); the guaranty association's general powers and how

reinsurance contracts are handled (Section 376.734); how assessments of insurers to fund the guaranty association's operations are handled (Section 376.735 and 376.737); requirements for the association's plan of operation (Section 376.740); and clarifying that the amendments made by the act are prospective only and shall not apply to member insurers that are impaired or insolvent prior to August 28, 2010 (Section 376.758).

The Missouri insurance guaranty association provisions are also contained in SB 900 and HB 1904 (2010).

ADOPTED CHILDREN INSURANCE COVERAGE - Under this act, no health carrier or health benefit plan shall issue or renew a health benefit plan to a Missouri resident unless the health benefit plan covers adopted children of an insured on the same basis as other dependents (section 376.816). This provision can also be found in HB 1713 (2010).

REFUNDING MEDICARE SUPPLEMENT PREMIUMS - Under this act, if a Medicare supplement policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is cancelled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policyholder within 20 days from the date the insurer receives notice of the cancellation. Under the act, a policyholder may cancel a Medicare supplement policy by sending written or electronic notification (Section 376.882).

REFUNDING LONG-TERM INSURANCE POLICY PREMIUMS - Under this act, if a long-term care insurance policy issued, delivered, or renewed in Missouri on or after January 1, 2011, is cancelled for any reason, the insurer must refund the unearned portion of any premium paid beyond the month in which the cancellation is effective. Any refund shall be returned to the policy holder within 20 days from the date the insurer receives notice of the cancellation.. The long-term care insurance policy must contain notices which inform applicants that they are entitled to a refund of unearned premiums if such policies are cancelled for any reason. Under the act, a policyholder may cancel a long-term care insurance policy by sending written or electronic notification (Section 376.1109).

DISSEMINATION OF SCHIP COVERAGE INFORMATION - Under this act, the Department of Social Services is required to provide all state licensed child-care providers that receive federal or state aid and all public school districts written information regarding the eligibility criteria and application procedures for obtaining health insurance coverage through the state children's health insurance program (SCHIPP). This information is to be distributed to the parents at the time of enrollment. The act also requires the department of elementary and secondary education to add an attachment to the application for the free and reduced lunch program which will require the parent to check a box indicating whether the child has health insurance or not. If the child does not have health insurance, and the parent's income does not exceed the highest level established by federal law, the school district shall provide a notice to the parent that the uninsured child may qualify for health insurance coverage under SCHIP. The Department of Elementary and Secondary Education must submit an annual report on the number of families in each district receiving free or reduced lunches, the number of families that indicate the absence of health insurance coverage on such forms, the number of families that received information on the SCHIP program, and the number of families who applied for coverage under the SCHIP program because of the receipt of such information (Section 1).

MO HEALTHNET SUBROGATION CLAIMS - Under this act any third party payer, such as third party administrators, administrative service organizations, health benefit plans and pharmacy benefits managers, shall process and pay all properly submitted MO HealthNet subrogation claims using standard electronic transactions or paper claims forms for a period of three years from the date services were provided or rendered. However, such third party payers shall not:

(1) Be required to reimburse for items or services which are not covered under MO HealthNet;

(2) Deny a claim submitted by the state solely on the basis of the date of submission of the claim, the

SPONSOR: Champion HANDLER: Hobbs

type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(3) Be required to reimburse for items or services for which a claim was previously submitted to the third party payer by the health care provider or the participant and the claim was properly denied by the third party payer for procedural reasons, except for timely filing, type or format failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(4) Be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim form for subrogation has been filed.

Such third party payers shall reimburse for items or services to the extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it has been properly billed at the point of sale. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state (section 208.215)(SA 2). A similar provision may be found in SB 842 (2010).

The act contains an emergency clause to a section no longer contained in the act.
STEPHEN WITTE

***** SB 586 *****

SPONSOR: Bartle HANDLER: Emery

HCS/SS/SCS/SBs 586 & 617 - This act regulates sexually oriented businesses.

After August 28, 2010, no person shall establish a sexually oriented business within 1000 feet of a preexisting school, house of worship, state-licensed day care, public library, public park, residence, or other sexually oriented business.

No person shall establish a sexually oriented business if a person with an influential interest in such business has been convicted of, or released from confinement, for certain crimes within the last eight years.

This act prohibits a person from knowingly appearing nude in a sexually oriented business. No employee of such a business shall knowingly appear in a semi-nude condition, unless he or she remains on a stage at least six feet from the patrons and at least eighteen inches from the floor in a room that is at least 600 square feet. Also, such employees appearing semi-nude shall not knowingly touch a patron or the clothing of a patron.

A sexually oriented business that exhibits films, videos, or other reproductions with an emphasis on displaying specified sexual activities or specified anatomical areas must comply with the following requirements:

1) the operator's station must have an unobstructed view of all areas where patrons are permitted except the restroom;

2) the operator's station must not exceed 32 square feet;

3) if more than one operator's station exists, there must be an unobstructed view of each area where patrons are permitted from at least one of the operator's stations;

4) the view from the operator's station must be by direct line of sight;

SPONSOR: Bartle HANDLER: Emery

5) the operator shall ensure that at least one employee is on duty in the operator's station at all times patrons are there; and

6)the operator and employees must ensure that view areas remain unobstructed.

Sexually oriented businesses that do not meet the requirements for stages or interior specifications on August 28, 2010, shall have 180 days to comply. During such period, any employee who appears semi-nude shall remain at least six feet from all patrons.

No sexually oriented business shall be open between the hours of midnight and 6:00 a.m and no person shall knowingly sell, use, or consume alcohol on the premises. No person shall knowingly allow a person under the age of eighteen on the premises.

In order to violate the provisions of this act, the person must have committed such acts knowingly or recklessly. An act of an employee shall be imputed to the business, only if an officer or manager knowingly or recklessly allows such act to occur on the premises. A violation of this act shall be deemed a misdemeanor punishable by a fine not to exceed $500 or imprisonment not to exceed 90 days. Any business repeatedly operated in violation of this act shall constitute a public nuisance and shall be subject to civil abatement proceedings.

The act does not prevent political subdivisions from enacting ordinances to regulate sexually oriented businesses which are stricter but not inconsistent with the act. It also provides that political subdivisions are authorized to enact ordinances to regulate sexually oriented businesses which are stricter but not inconsistent with the act.

This act is similar to HB 321 (2009) and SCS/SBs 223 & 226 (2009).
SUSAN HENDERSON MOORE

***** SB 588 *****

SPONSOR: Nodler HANDLER: Parson

SS/SCS/SB 588 - Under current law, assessors in counties without a charter form of government will be required to provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value effective January 1, 2011. This act extends the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County to January first of the year following the year in which such assessors receive software from the state tax commission which is necessary to provide such notices. For all calendar years prior to January first of the year following receipt of such software, all assessors in counties without a charter form of government and Jefferson County will be required to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed valued may impact the record owner's tax liability, and provide processes and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes.

Effective January 1, 2011, the St. Louis County Assessor, must provide taxpayers with a notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address whenever the assessor notifies such taxpayers of changes in assessed value. Such notification shall provide the assessor's contract information so taxpayers without internet access can request and received such information.

This act is identical to Senate Amendment 19 to the Senate Substitute for Senate Committee

SPONSOR: Nodler HANDLER: Parson

Substitute for Senate Bill 580 (2010)
JASON ZAMKUS

***** SB 630 *****

SPONSOR: Cunningham HANDLER: Jones

SCS/SB 630 - This act establishes procedures for converting manufactured homes into real property or from real property back to personal property. In order to be considered real property for conveyance purposes, the act requires a manufactured home to be permanently affixed to a permanent foundation and requires an affidavit to the affixation to be recorded with the recorder of deeds. The act sets forth what an affidavit of affixation must contain. For example, the affidavit must contain the street address and the legal description of the real estate to which the manufactured home will be permanently affixed. The affidavit of affixation shall also contain a statement as to whether or not the manufactured home is subject to security interests or liens. Additionally, the affidavit of affixation must be accompanied by a statement of whether or not the manufactured home is covered by a certificate of title.

An affidavit of affixation shall be acknowledged or proved in a manner so that the affidavit of affixation may be recorded and indexed. Once an affidavit of affixation has been recorded, the act requires a certified copy of the affidavit of affixation to be filed with the Department of Revenue. The certified copy of the affidavit of affixation must accompany the manufactured home owner's application for surrender of manufactured certificate of origin, application for surrender of title, or application for confirmation of conversion.

The act establishes a process in which a manufactured home owner, who has permanently affixed his or her home to real estate, and has recorded an affidavit of affixation with the recorder of deeds, may surrender the manufacturer's certificate of origin or certificate of title to the manufactured home to the Director of Revenue. The manufactured home owner must fill out an application to surrender the certificate of origin or certificate of title. The act specifies what information the application must contain. If the director is satisfied with the surrender of a manufacturer's certificate of origin or certificate of title, the director shall cancel the certificate of origin or certificate of title and update the department's records. The act sets forth a similar process for applying for confirmation of conversion where an owner has permanently affixed a manufactured home to real estate, but does not possess a manufacturer's certificate of origin or a certificate of title (Section 700.111.).

Once these statutory steps have been followed, the manufactured home shall be deemed to be real estate and title to such home shall be transferred by deed as other interests of real estate are transferred. Once the manufactured home is considered real estate, the laws governing real estate shall apply to such home (Section 442.015).

The act requires an affidavit of severance to be filed when a manufactured home is detached or severed from the real estate to which it had been affixed. The affidavit of severance must contain a property description and any information that could affect the validity of the title to the manufactured home or the existence of a security interest or lien. The act sets forth steps to record the affidavit of severance and establishes a process for filing the affidavit of severance with the Department of Revenue (Section 442.015.10).

The act also establishes a process for obtaining a new certificate of title after a manufactured home has been detached or severed from real estate (real property to personal property)(Section 700.111.4).

The act prohibits the director from issuing a certificate of title to a manufactured home to which there has been recorded an affidavit of affixation. The director may only issue the certificate of title once an affidavit of severance has been recorded (Section 700.320.5).

SPONSOR: Cunningham HANDLER: Jones

The act requires the director of the Department of Revenue to maintain records of each affidavit of affixation and each affidavit of severance filed with the department.

The act provides that a purchase money security interest in a manufactured home is perfected against the rights of judicial lien creditors and execution creditors on and after the date the purchase money security interest attaches. The act further provides that after a certificate of title has been issued to a manufactured home and is subject to a security interest, the department shall not file an affidavit of affixation, cancel the certificate of origin, nor revoke the certificate of title (Section 700.350).

The act also modifies other provisions of Article 9 of the Missouri Uniform Commercial Code. The act provides that the perfection, priority, and termination of a security interest in a manufactured home perfected under the manufactured home titling provisions are governed exclusively under such provisions and not by the UCC Article 9 provisions. The act also clarifies that UCC Article 9 does not apply to a security interest in a manufactured home once the home has become real estate in accordance with the procedures set forth in the act (Sections 400.9-303 and 400.9-311).

The act also changes the term "licensee" to "registrant" in subsection 4 of section 700.100.

Under this act, a manufactured home dealer may have his or her license suspended or revoked for failing to provide notice to a purchaser of a used manufactured home that the Public Service Commission does not regulate setup of used manufactured homes (Section 700.100.3(7)). This provision can be found in SB 405 and HB 924 (2009).

MANUFACTURED HOME BENEFICIARY TITLES - This act allows owners of manufactured homes who own the home as joint tenants with the right of survivorship or as tenants by the entirety to receive a certificate of ownership in beneficiary form from the Director of the Department of Revenue. The certificate of ownership shall direct the director to transfer the certificate on the death of the owners to the beneficiaries. A certificate of ownership in beneficiary form shall not be issued to persons who hold their interest in a manufactured home as tenants in common.

During the lifetime of the owners, the signature of the beneficiary shall not be required for transactions relating to the manufactured home. The owner may revoke the certificate of ownership or change beneficiaries before the death of the owner under certain conditions. For instance, the certificate of ownership may be revoked by the sale of the home with proper assignment of certificate of ownership. The certificate of ownership in beneficiary form may also be revoked by filing an application to reissue the certificate of ownership with no designation of a beneficiary or with the designation of a different beneficiary.

A beneficiary's interest in the manufactured home at the owner's death shall be subject to contracts of sale, assignments of ownership, or security interests to which the owner or owners were subject to during their lifetime. A beneficiary interest in a certificate of ownership may not be changed or revoked by will or other instruments.

The director shall issue a new certificate of ownership to the surviving owners or beneficiaries upon proof of death (Section 700.330). This provision can be found in SB 405 and HB 924 (2009).

RELEASE OF LIEN ON ELECTRONIC CERTIFICATE OF OWNERSHIP - This act requires a lienholder to notify the director within 10 business days of any release of a lien if an electronic certificate is being held by the director. The director shall note the release on the electronic certificate and deliver the certificate free of any lien to the owner if no other lien exists (Section 700.370). This provision can be found in SB 405 and HB 924 (2009).

This act requires persons who hold security interests in manufactured homes to verify to the

Department of Revenue that he or she has paid the landowner in which the manufactured home was repossessed from all past due rent that the holder is obligated to pay under this act (Section 700.385).

ABANDONED MANUFACTURED HOME - Under this act, a manufactured home situated upon land of another person pursuant to a rental agreement shall be deemed abandoned if:

(1) The property owner reasonably believes the homeowner has vacated the premises and does not intend to return;

(2) The rent is past due for 30 days; and

(3) The homeowner has failed to respond to the landowner's notice or has failed to contest a petition regarding the issue of abandonment (Section 700.526). This provision can be found in SB 405 and HB 924 (2009).

LIEN AGAINST MANUFACTURED HOME FOR UNPAID RENT - Under this act, a landowner shall have a lien for unpaid rent against a manufactured home if the home is abandoned on the landowner's land and is not subject to a lien perfected Sections 700.350 to 700.380.

The process for enforcing the lien on unpaid rent is modified under the act. The landowner must provide the manufactured home owner notice before enforcing the lien. The landowner must give the manufactured home owner opportunity to redeem the manufactured home by paying all unpaid rent. The notice must also advise the home owner of his or her legal rights and that the manufactured home owner may contest the lien filing by filing a petition to that affect in the county circuit court in which the manufactured home is located. If the manufactured home owner does not redeem the home within 30 days from the date of the mailing, and no petition has been filed in circuit court, the real property owner may apply for a certificate of title.

If the Director of the Department of Revenue is satisfied with the contents of the application, a certificate of ownership or certificate of title shall be issued to the land owner (captioned "lien title")(Section 700.527.8).

Upon receipt of the lien title, the holder shall within 30 days begin proceedings to sell the home. The real property owner may recover actual and necessary expenses incurred in obtaining the lien title (including reasonable attorney's fees and advertising costs)(Section 700.527.9).

The owner of the home must be given at least 20 days notice of the sale of the home (Section 700.527.10).

The owner of the manufactured home may redeem the home by paying all past due rent and expenses. If not redeemed, the landowner may sell the home (Section 700.527.12 and .13).

The act sets forth how the proceeds of the sale are to be distributed. Any excess proceeds shall be paid to the homeowner. If the homeowner cannot be located within 30 days of the sale, the excess proceeds shall be deposited with the county treasurer. The county treasurer shall credit the excess to the county's general revenue fund, subject to the right of the homeowner to reclaim the excess within three years of its deposit (Section 700.527.14). The act provides that a person who fails to deposit the excess proceeds with the county treasurer shall be liable for double the amount of the proceeds (Section 700.527.15).

A landowner who follows the requirements of the act shall be absolved from any liability resulting from the taking of possession of the home (Section 700.527).

***** SB 630 ***** **(Cont'd)**

SPONSOR: Cunningham HANDLER: Jones

MANUFACTURED HOMEOWNER'S RIGHT TO CONTEST LIEN - The manufactured homeowner may, within 10 days of the mailing of the notice, may contest the real property owner's lien in the home. If the owner contests the lien in circuit court, he or she will have to post a cash or surety bond for the unpaid rent in order to have the home released. Once the bond is posted, the court will direct the land owner to release the home to the home owner. The court will also determine whether unpaid rent is due. The court may direct that the rent be paid from the posted bond or grant the landowner a security interest in the home (Section 700.528).

LIEN FOR REAL PROPERTY OWNER ON AN ABANDONED MANUFACTURED HOME WHERE ANOTHER LIEN EXISTS - If a person abandons a manufactured home on real property of a person who is leasing the land to the manufactured homeowner and there is an existing lien on the home and is in default, the real property owner shall a have a lien for unpaid rent against the manufactured home provided the real property owner gives notice to the manufactured home owner and the party holding the lien in the manner set forth by the act.

The notice must contain a statement that if the rent is not paid within 30 days from the mailing of the notice and the lien is not contested, the real property owner will have a lien against the manufactured home which will superior to the other party's perfected lien. The homeowner and the perfected lienholder shall not remove the manufactured home from the property until the landlord is paid for past due rent. The perfected lienholder is not entitled to a certificate of title from the Department of Revenue until the lienholder has paid all rent it is obligated to pay to the real property owner. The owner of the abandoned home or the perfected lienholder may file a petition, within 10 days of the mailing of the notice, to contest the real property owner's lien. If the court determines that the homeowner or the perfected lienholder owe unpaid rent, the court shall declare a lien in the real property owner's favor (Section 700.529).

The act also repeals several provisions of law relating to Missouri's current procedure for obtaining title to an abandoned manufactured home (Sections 700.530, 700.531, 700.533, 700.535, 700.537, and 700.539).

The provisions in this act were also contained in the truly agreed to version of SB 235 (2009).

This act shall become effective March 1, 2011.
STEPHEN WITTE

***** SB 644 *****

SPONSOR: Shields HANDLER: Conway

SCS/SB 644 - Under current law Jefferson City and various other cities and counties, are allowed to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. This act increases the maximum levy for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval.

Under current law, the City of St. Joseph and Buchanan County are authorized to seek voter approval to impose a tax of no less than two nor more than eight percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. The proceeds from the tax must be used for funding the promotion of tourism and convention facilities. This act would permit the city and county to use the proceeds from the tax for capital expenditures incurred in funding the promotion of tourism and convention facilities.

The act also allows the City of St. Joseph and Buchanan County to contract with one another to share transient guest tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities.

***** SB 644 ***** **(Cont'd)**

SPONSOR: Shields HANDLER: Conway

Real property owners in Caldwell, Clinton, Daviess, and Dekalb counties are authorized to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a one-quarter of one percent sales tax, for a period not to exceed twenty-five years, to fund the district.

The act authorizes Montgomery County to seek voter approval to impose a transient guest tax of at least two percent but not more than five percent per occupied room per night to fund the promotion of tourism. The governing body of the City of Excelsior Springs is authorized to seek voter approval to impose a transient guest tax not to exceed five percent per room per night to fund the promotion of tourism.
JASON ZAMKUS

***** SB 649 *****

SPONSOR: Days HANDLER: Brandom

SB 649 – This act requires the Governor to issue an annual proclamation designating March 12th as "Girl Scout Day."

This act is identical to HB 200 (2009).
JIM ERTLE

***** SB 733 *****

SPONSOR: Pearce HANDLER: Kingery

CCS/HCS/SCS/SB 733 – This act modifies provisions relating to higher education.

BRIGHT FLIGHT: This act makes changes to the Bright Flight Scholarship Program. It specifies that a student must be a Missouri resident in order to be eligible for a scholarship. In addition, it expands scholarship eligibility to individuals who have received a General Education Development diploma (GED), who have completed a homeschooling program of study, who have completed secondary coursework through the Virtual Public School, or any other program of academic instruction that satisfies the compulsory attendance law.

The qualifying score necessary for a student to receive a scholarship will be determined at the beginning of an eligible student's final year of secondary coursework.

Current law provides that in fiscal year 2011 and beyond, a student scoring in the top fourth and fifth percent of Missouri ACT or SAT test-takers will receive a $1,000 scholarship. This act provides that all students in the top three percent of Missouri ACT or SAT test-takers will receive awards prior to any student in the top fourth or fifth percent receiving an award. If sufficient funds are appropriated, each eligible student with a qualifying score in the top fourth or fifth percentile will be offered a $1,000 scholarship award.

Current law allows a student to receive a renewal scholarship for the second, third, and fourth academic years. This act allows a student to renew the scholarship for as long as the student is in compliance with the renewal requirements described in the act.

If a scholarship recipient cannot attend an approved institution because of military service with the United States Armed Forces, the student will receive the scholarship if he or she returns to full-time status within six months after ending military service. The student must verify to the Coordinating Board for Higher Education that the military service was satisfactorily completed.

ACCESS MISSOURI: This act modifies the financial assistance amounts provided through the Access

***** SB 733 ***** **(Cont'd)**

SPONSOR: Pearce HANDLER: Kingery

Missouri Financial Assistance Program. The financial assistance amounts currently in existence will be applicable for academic year 2010-2011 through academic year 2013-2014. In addition, this act adds new financial assistance amounts for the 2014-2015 academic year and beyond. A student attending an institution classified as part of the public two-year sector will be eligible for $1,300 maximum and $300 minimum. A student attending an institution classified as part of the public four-year sector, including Linn State Technical College, or approved private institutions will be eligible for $2,850 maximum and $1,500 minimum.

This act removes the sunset clause and termination date for Access Missouri.

Section 173.1205: This act provides that when a public institution of higher education holds an ownership or membership interest in a for-profit or non-profit entity, such entity shall not be deemed a public governmental body or quasi-governmental body subject to the open records law under chapter 610, if such entity is engaged primarily in activities involving current or prospective commercialization of the skills or knowledge of the institution's faculty or of the institution's research, research capabilities, intellectual property, technology, or technological resources. The public higher education institution must maintain as an open record an annual report, available no later than October 1st each year. It also details the lists of items required in the annual report, but includes detailing the funds and benefits paid by the higher education institution to the entity and the employees of the institution who received funds from the entity.

Meetings, records, and votes may be closed to the extent that they relate to records or information submitted by an individual, corporation, or other business entity to a public institution of higher education in connection with opportunities for or results of collaboration involving students, faculty, or staff, or in connection with institution activities to promote or pursue economic development. The meetings may also be closed if it relates to sales, projections, business plans, financial information, or trade secrets if the disclosure of such information would endanger the competitiveness of a business.

This act contains provisions similar to SB 784 (2010), HCS/HB 1473 (2010), HCS#2/HB 1812 (2010), SB 390 (2009), HB 792 (2009), SB 40 (2009), SS/SCS/SB 558 (2009) and SB 984 (2008).
MICHAEL RUFF

***** SB 739 *****

SPONSOR: Lembke HANDLER: Pratt

HCS/SB 739 - Currently, upon approval of the board of aldermen, a fire department employee shall not be required to live within the department boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment.

Under this act, no employee who has worked for the department for seven years shall be required to live within the department boundaries if the only public school district in the area has been unaccredited or provisionally accredited in the last five years of the person's employment. Employees who have satisfied the seven-year requirement and who choose to reside outside the department boundaries shall reside within a one-hour response time.

The act removes the provision allowing the voters of St. Louis City to prevent the enactment of these provisions in the city, and requiring the employees of the city to forfeit 1% of their salaries in order to reside outside of the city.
SUSAN HENDERSON MOORE

***** SB 753 *****

SPONSOR: Dempsey HANDLER: Parkinson

SB 753 - This act allows county commissions that serve as trustees of funds for cemeteries to invest

SPONSOR: Dempsey HANDLER: Parkinson

these funds in certificates of deposit.

This act is similar to a provision of CCS#2/HCS/SCS/SB 754 (2010), SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010), and HCS/HB 2388 (2010).
EMILY KALMER

***** SB 754 *****

SPONSOR: Dempsey HANDLER: Wasson

CCS#2/HCS/SCS/SB 754 - This act modifies provisions of law relating to cemeteries, the licensing of certain professions, death certificates, public assistance programs, and various other provisions.

DEATH CERTIFICATES
(Sections 193.145 and 193.265)

This act requires all data providers in the death registration process, including the State Registrar, local registrars, medical examiners, coroners, or funeral directors to use an electronic death registration system within 6 months of the system being certified by the Department of Health and Senior Services to be operational and available to all data providers in the death registration process.

The State Registrar may adopt pilot programs or voluntary electronic death registration programs until such time as the system can be certified. However, no such pilot or voluntary program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under current law until 6 months after the system is certified as operational.

These provisions are similar to provisions of SS/SCS/HCS#2/HBs 1692, 1209, 1405, 1499, 1535 & 1811 (2010) and to SCS/SB 975 (2010).

PRESCRIPTIONS
(Section 195.080 and 338.100)

The supply limits placed on prescribed drugs (based on their scheduling) is not applicable if the prescription is dispensed directly to a member of the U.S. armed forces serving outside the U.S.

This act also allows licensed pharmacies to keep their records as a book or electronic record keeping system; provided, however, original written and faxed prescriptions are physically maintained on file at the pharmacy as required by federal law; the electronic records shall be readily retrievable, maintain the original prescriptions and may be annotated to reflect changes in the prescriptions.

These provisions are similar to provisions of HCS/SCS/SB 887 (2010).

PUBLIC ASSISTANCE PROGRAMS
(Section 208.010)

This act provides that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary of the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract.

This section is identical to a provision of HCS/HB 2388 (2010) and SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010).

REIMBURSEMENT
(Section 208.198).

Subject to appropriations, the Department of Social Services shall establish an equal reimbursement

rate for the same or similar services rendered by physicians and optometrists to Mo Healthnet patients.

This section is identical to CCS/HCS/SCS/SBs 842, 799 &809 (2010) and similar to HB 1808 (2010).

CEMETERIES

(Sections 214.160, 214.270, 214.276, 214.277, 214.282, 214.283, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.389, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550)

This act modifies certain laws regarding cemeteries.

It allows county commissions that serve as trustees of funds for cemeteries to invest these funds in certificates of deposit.

Current law allows the Division of Professional Registration to seek an injunction against certain unlicensed cemetery operators in the county in which the conduct occurred or in which the defendant resides. This act eliminates this specific venue provision.

Each contract sold by a cemetery operator for cemetery services and items such as grave lots, markers, and tombstones shall meet certain requirements. If these requirements are not met, the contract is voidable by the purchaser.

Except for family burial grounds, individuals and public and private entities are required to notify the office of endowed care cemeteries of the name, location, and address of real estate used for the burial of human bodies.

Cemetery operators are exempted from the prearranged contract requirements of Chapter 436.

Currently, cemetery operators are required to correct deficiencies in the funding of endowed care trust funds. This act specifies that deficiencies do not include deficiencies caused by the fluctuating value of investments.

The requirements of endowed care trust funds and escrow accounts are modified in several ways. Among other changes, the requirement that a financial institution that serves as the trustee of an endowed care trust be located in Missouri is removed. Cemetery operators must maintain the name and address of the trustee and records custodian and supply the office with this information upon request. The trust records shall be maintained in Missouri, or electronically accessible. Missouri law shall control all endowed care trust funds and such funds will be administered in accordance with certain trust requirements. Endowed care cemetery funds may also be held in an escrow account in Missouri. However, if the funds in the escrow account are over 350,000 dollars, in most cases they must be in an endowed care trust fund. Trustees and escrow agents shall consent in writing to Missouri jurisdiction and the supervision of the office of endowed care cemeteries.

Cemetery operators are required to notify the Division of Professional Registration at least thirty days prior to selling the business assets of the cemetery, or selling a majority of its stock. If the division does not disapprove, the cemetery operator can continue to take such action.

Sellers of prearranged burial merchandise and services are required to deposit a portion of the purchase price in an escrow or trust account. These funds are maintained in this account until delivery of the property, performance of the services, or the contract is cancelled. These escrow arrangements and trusts must each meet certain requirements. Cemetery prearranged contracts entered into after August 28, 2010, can be cancelled within thirty days of receiving the executed contract for a full refund, and at any time before the services or merchandise are provided, with exceptions, for 80% of the net amount of all payments made into the escrow account or trust.

SPONSOR: Dempsey HANDLER: Wasson

The division is allowed to direct a trustee, financial institution, or escrow agent to suspend distributions from endowed care trust funds or escrow accounts, if the cemetery operator is not licensed or does not meet certain other requirements, and after the cemetery operator is notified, and given sixty days to correct the violations. The cemetery operator may appeal this suspension.

Several provisions that previously applied to the city of St. Louis and allowed the sale of certain cemeteries owned by the city and applied to cemetery operators who purchased cemeteries from the city are now applied to all cities.

These provisions are identical to provisions of CCS/SCS/HBs 2226, 1826, 1832, & 1990 (2010), SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010), HCS/HB 2388 (2010), and SB 753 (2010), and similar to HB 1845 (2010) and SB 416 (2009).

DISABLED LICENSE PLATES
(Section 301.142)

This act adds physician assistants to the list of other authorized health care practitioners that may furnish a physician's statement to obtain disabled license plates or placards.

This provision is identical to a provision of HCS/SB 716 (2010) and of SS/SCS/HB 2111 (2010).

PHYSICIAN ASSISTANTS
(Section 334.735)

This act provides that doctors and physician assistants working in rural health clinics are not required to meet state law supervision requirements that exceed the minimum federal law requirements if the physician-physician assistant team has been granted a waiver of the state laws that require certain amounts of on-site supervision by a doctor and that require physician assistants to practice within a certain distance of the doctor. The board of healing arts is allowed to void a current waiver after conducting a hearing and issuing a finding of fact that the physician-physician assistant team has failed to comply with the federal act or either member of the team has violated a provision of the licensing laws.

Currently, a physician assistant is not permitted to prescribe or dispense any drug, medicine, device or therapy without consulting the supervising physician. This act removes this requirement.

This provision is similar to HB 1738 (2010) and HCS/HB 2388 (2010) and identical to a provision of CCS/SCS/HBs 2226, 1826, 1832, & 1990 (2010).

COMPLAINTS AGAINST PROFESSIONAL COUNSELORS
(Section 337.528)

This act requires the committee for professional counselors to destroy documentation of complaints made by sexually violent predators against licensed professional counselors, if the complaint does not result in discipline. Past unsubstantiated complaints by sexually violent predators against a licensed professional counselor shall be destroyed upon request.

This provision is identical to HB 1832 (2010) and identical to a provision of CCS/SCS/HBs 2226, 1826, 1832, & 1990 (2010) and HCS/HB 2388 (2010).

REAL ESTATE BROKERS AND REAL ESTATE SALESPERSONS
(Sections 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 339.845)

This act modifies the definition of real estate broker and real estate salesperson for the purposes of licensing. The definition of a real estate broker now also includes limited partnership, limited liability company, and professional corporation. The definition of a real estate salesperson now also includes a partnership, limited partnership, limited liability corporation, association, professional corporation, or corporation. This act also creates a new category of license for a real estate broker-salesperson. A real

SPONSOR: Dempsey HANDLER: Wasson

estate broker-salesperson is required to have a real estate broker license in good standing, but may not also operate as a real estate broker.

If the Real Estate Commission receives a notice of delinquent taxes from the Director of Revenue regarding a real estate broker or salesperson, the commission is required to immediately send a copy of the notice to the real estate broker with which the real estate broker or salesperson is associated.

These provisions are similar to provisions of SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010) and HCS/HB 2388 (2010).

BOARD OF NURSING HOME ADMINISTRATORS
(Section 344.010, 344.020)

This act authorizes the Board of Nursing Home Administrators to issue a separate licenses to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continues to meet the licensure standards for a residential care facility in effect on August 27, 2006.

These provisions are identical to provisions of HCS/HB 2388 (2010) and CCS/SCS/HBs 2226, 1826, 1832, & 1990 (2010).

MISSOURI EATING DISORDER COUNCIL
(Sections 630.575 and 630.580)

This act creates the Missouri Eating Disorder Council in the Department of Mental Health. The director of the department is given the authority to select the members of the council and determine the number of members on the council. The department, in collaboration with other state agencies and in consultation with the council, is required to develop and implement certain education and awareness programs concerning eating disorders.

These provisions are identical to provisions of SB 744 (2010).
EMILY KALMER

*** SB 758 ***

SPONSOR: Rupp HANDLER: Leara

SB 758 - This act requires notes, bonds, and other instruments in writing issued by the bi-state development agency to mature not more than forty years from the date of issuance, rather than thirty years.

This act is identical to HB 1709 (2010).
SUSAN HENDERSON MOORE

*** SB 771 ***

SPONSOR: Scott HANDLER: Wilson

SB 771 - This act specifies that each bid from a bank to be the depositary for the county must be accompanied by a certified check for an amount equal to a certain percentage of the county general revenue, rather than all county revenue. Such check serves as guaranty of good faith that the required security will be provided.

This act also changes outdated references to "ex officio treasurer" to reflect the current term, "collector treasurer".

This act is similar to HB 1545 (2010).

***** SB 771 ***** **(Cont'd)**

SPONSOR: Scott HANDLER: Wilson

SUSAN HENDERSON MOORE

***** SB 772 *****

SPONSOR: Scott HANDLER: Cunningham

SCS/SB 772 - Currently, the minimum time for holding investments in the Missouri Higher Education Savings Program is 12 months. The act removes that requirement.

The sunset provision governing the Missouri Higher Education Deposit Program, which is a nonexclusive alternative to the Missouri Higher Education Savings Program and administered by the Missouri Higher Education Savings Program Board, is also removed.

This act is similar to SB 213 (2009).
CHRIS HOGERTY

***** SB 774 *****

SPONSOR: Lembke HANDLER: Riddle

SCS/SB 774 - This act creates the crime of endangering a Department of Mental Health employee, visitor or other person at a secured facility, or another person ordered to the department. A person ordered to the department as a sexually violent predator commits such act if he or she attempts to cause or knowingly causes any such individual to come into contact with blood, seminal fluid, urine, feces, or saliva. This crime is equivalent to the crime of endangerment by a criminal offender against a Department of Corrections employee, visitor, and other offender.

Such offense is a Class D felony unless the substance is unidentified, in which case it is a class A misdemeanor. If the person is knowingly infected with HIV, Hepatitis B or C and exposes another person to such disease, by committing this crime, it is a Class C felony.

Current law provides that interest shall be recovered on any and all sums due to any facility or program operated or funded by the Department of Mental Health on account of any patient or resident. This act provides that when the account is certified by the department director or his or her designee, rather than the head of the facility, such account shall be prima facie evidence of the amount due.

Certain provisions of this act are similar to SB 945 (2010) and HB 1969 (2010).
SUSAN HENDERSON MOORE

***** SB 777 *****

SPONSOR: Pearce HANDLER: Jones

HCS/SCS/SB 777 - This act specifically authorizes the sale of deficiency waiver addendums and guaranteed asset protection products with respect to certain consumer loans, second mortgage loans, and retail credit sales provided such products are purchased as part of a loan transaction with collateral, at the borrower's consent, and the cost of the product is disclosed in the loan contract. The borrower's consent to the purchase of the product shall be in writing and acknowledge receipt of the required disclosures by the borrower (Sections 408.140, 408.233, and 408.300). Each deficiency waiver addendum, guaranteed asset protection, or other similar product must provide that in the event of termination of the product prior to the scheduled maturity date of the indebtedness, any refund of an amount paid by the debtor for such product shall be paid or credited promptly to the debtor. No refund of less than $1 need be made. The formula to be used in computing the refund shall be the pro rata method. The act also provides consumers a free look period with respect to deficiency waiver addendums and guaranteed asset protection products. A debtor may cancel the product within 15 days of its purchase and shall receive a

complete refund or credit of premium. This right shall be set forth in the loan contract, or by separate written disclosure. This right shall be disclosed at the time the debt is incurred in ten-point type and in a manner reasonably calculated to inform the debtor of this right (Section 408.380).

Some of the provisions of this act are contained in the truly agreed to version of SB 243 (2009).

The act also allows lending institutions to offer, sell, and finance automobile club memberships, service contracts, motor vehicle service contracts, and vehicle protection devices and other plans and services providing a benefit to the borrower if the cost is disclosed separate from the loan contract. In addition, lenders may not require the purchase of the plan as a condition for approval of loan. Purchasers of the plans must be entitled to cancel the transaction and receive a refund within 30 days of purchase. Purchasers of the plans must provide a separate and apart from the loan document a written acknowledgment of their intent to purchase the plan. No plan may include reimbursement for a deductible on a property insurance claim. A lender may not sell such products unless all the optional products are clearly identified as optional and not a required purchase. These provisions are also contained in HB 1446 (2010).

ATM FEES - Under this act, agreements to operate or share automated teller machines shall not prohibit owners from charging access fees or surcharges to users with bank accounts in foreign countries. This provision is contained in SB 773 (2010)(HA 2)(section 362.111).

BOAT SLIP/ WATERCRAFT SLIP - This act defines the terms "boat slip" or "watercraft slip" for the purposes of the real estate appraisers act, as a defined area of water which is a part of a boat dock serving a common interest community. The rights of a real estate owner in a slip are included as collateral in any deed of trust and uniform commercial code filing of a lender taking a security interest in the owner's real estate (section 339.503)(HA 3).

DETERMINING WHETHER AN INSURANCE COMPANY IS OPERATING IN A HAZARDOUS FINANCIAL CONDITION - This act authorizes the director of the Department of Insurance to determine whether an insurance company is in a hazardous financial condition. Under the act, the director may deem any property or casualty insurance company which has any policy in force with a net retained risk that exceeds 10% of the company's capital and surplus to be in a hazardous financial condition. The act also sets forth twenty factors for the director to consider when determining whether an insurance company may be in hazardous financial condition. For example, the director may consider "adverse findings reported in financial condition and market conduct examination reports, audit reports, and actuarial opinions, reports or summaries" when determining whether the continued operation of the insurer may be hazardous to Missouri's policyholders, creditors, or the general public. If the director determines that the continued operation of an insurer may be hazardous to Missouri' policyholders, creditors or the general public, the director may issue an order requiring the insurer to take various actions. For instance, the director may require the insurer to reduce its total amount of present and potential liability for policy benefits by reinsurance, reduce its volume of business, increase its capital and surplus, or document the adequacy of premium rates in relation to the risks insured. Any insurer subject to an order from the director may request a hearing and the hearing shall be conducted in private unless the insurer requests a public hearing (section 375.539). This provision may also be found in the truly agreed to version of SB 583 (2010), SS/SCS/HB 2205 (2010), and SCS/SB 685 (2010)(HA 4).

RBC TREND TEST - This act modifies Missouri's current law regarding risk-based capital (amount of required capital that the insurance company must maintain based on the inherent risks in the insurer's operations) reporting requirements for property and casualty insurance companies. Under this act, the Department of Insurance may require a property and casualty insurance company to take action if its risk based capital fails the National Association of Insurance Commissioners (NAIC) RBC trend test. The RBC trend test for property and casualty insurance companies is stated in the act as a company action level event where "the insurer has total adjusted capital which is greater than or equal to its Company Action

Level RBC but less than the product of its Authorized Control Level RBC and 3.0 triggers the trend test determined in accordance with the trend test calculation included in the Property & Casualty RBC report instructions." Risk-Based Capital tests the adequacy of an insurance company's capital to meet the risks posed by its investment portfolio and the types and volume of insurance it underwrites. Risk-based capital tests the adequacy of an insurance company's capital by comparing its actual capital to the minimum amount capital determined necessary to operate the insurance company based on the risk factors associated with the volume and type of insurance business it transacts and the types of investments it makes (section 375.1255). This provision may also be found in the truly agreed to version of SB 583 (2010), SCS/SB 685 (2010), and SS/SCS/HB 2205 (201)(HA 4).

INSURERS SUPERVISION, REHABILITATION AND LIQUIDATION ACT - This act amends the "Insurers Supervision, Rehabilitation and Liquidation Act" (Sections 375.1150 to 375.1246), to provide for the treatment of qualified financial contracts in insurance insolvency proceedings. The central purpose of the act is to increase certainty of insurers and their creditors with respect to the enforceability of certain financial market transactions and related netting agreements in the event of an insurer insolvency. To accomplish this, this act adopts certain termination, netting, and liquidation provisions applicable to derivative transactions that are contained in the latest version of the NAIC Insurance Receivership Model Act (IRMA). These provisions are similar to the ones contained in SB 978, the truly agreed to version of SB 583, HB 2222 and HB 2205 (2010).

The act provides definitions for specific types of financial contracts commonly used in the financial markets, including commodity contracts, forward contracts, qualified financial contracts, and the related netting agreements. As defined in this act, "qualified financial contracts" encompass a range of commonly traded financial market contracts, including over-the counter and exchange traded derivatives, such as swap agreements, forward contracts, securities contracts, repurchase (repo) agreements, and commodity contracts. The act also provides a definition for the term "netting agreement". A "netting agreement" is defined, based upon IRMA, as a contract or agreement that documents one or more transactions between the parties for or involving one or more qualified financial contracts and that provides for the netting or liquidation of qualified financial contracts or present or future payment obligations or payment entitlements thereunder (Section 375.1152)(HA 1 to HA 4).

The act provides for the enforcement and recognition of the contractual rights of the insurer's counterparties under qualified financial contracts, netting agreements, and related security agreements to terminate, accelerate, and close out such contracts, to offset and net off obligations owing under such contracts, and to enforce any security rights under such agreements, free of any stay or prohibition that might otherwise apply under a delinquency proceeding (subsection 3 of Section 375.1155 and subsection 1 of Section 375.1191)(HA 1 to HA 4).

This act provides for the transfer of any net or settlement amount owing under a qualified financial contract by the nondefaulting party to the insurer to the receiver. If netting results in an amount owing to the insurer, this provision confirms that the receiver steps into the "insurer's shoes" as to that net amount (subsection 2 of Section 375.1191).

The act provides for the transfer of all netting agreements and qualified financial contracts between an insurer and a single counterparty and its affiliates together if a bulk transfer of insurer liabilities or contracts is made by the receiver (subsections 3 and 4 of Section 375.1191).

This act provides for validation of payments and transfers of money and property under netting agreements and qualified financial contracts made prior to the commencement of a formal delinquency proceeding, unless such transfers were made with actual intent to hinder, delay or defraud the insurer, the receiver appointed for the insurer, or other creditors (subsection 5 of Section 375.1191).

This act provides that if the receiver disaffirms or repudiates any qualified financial contracts or netting

SPONSOR: Pearce HANDLER: Jones

agreements with a counterparty, the receiver must disaffirm or repudiate all such contacts (subsection 6 of Section 375.1191). The act also establishes the amount of the counterparty's claim in the event of disaffirmance or repudiations. The amount of a claim for damages shall be actual direct compensatory damages as of the date of the date of the disaffirmance or repudiation of the netting agreement or qualified financial contract (HA 1 to HA 4).
STEPHEN WITTE

***** SB 791 *****

SPONSOR: Griesheimer HANDLER: Emery

CCS/HCS/SB 791 - This act modifies provisions pertaining to sewer and water utilities.

SECTION 204.300 - Common Sewer District Board of Trustees

The act provides that if the county governing body does not appoint a trustee to fill a vacancy on the board of trustees for a common sewer district within 60 days, then the remaining trustees may fill the vacancy. Under current law, the board of trustees for a common sewer district located in Jackson and Cass counties consists of 8 members. This act increases the membership to 10 by adding 2 additional city mayors on the board.
This section is nearly identical to the provision in TAT/SCS/HB 1612 (2010) and is similar to SB 874 (2010).

SECTION 204.472 - Annexation and Sewer Service

Current law allows the City of Poplar Bluff and sewer districts in Butler County to develop agreements to provide sewer service to land annexed by the City. Current law also provides procedures to develop such agreements when the City and a sewer district cannot agree on terms. This act extends the authority to develop such agreements to apply to any city and sewer districts in any county of the third classification and also makes these entities subject to the procedures for when agreement cannot be reached by both parties.

This section is identical to the provision in TAT/SCS/HB 1612 (2010) and is similar to SB 850 (2010) and SCS/SB 333 (2009).

SECTION 204.571 - Sewer Subdistrict Advisory Board

Under current law, the advisory board for a common sewer subdistrict must elect a chairman, vice-chairman, and a representative to the common sewer district's advisory board. The act allows the same person to serve in more than one of these roles if the subdistrict's advisory board is less than 3 people. The act allows the board of trustees for the common sewer district to appoint advisory board members to the subdistrict's advisory board, if a political subdivision does not fulfill its duty to appoint such advisory board members within 60 days.

This section is identical to the provision in TAT/SCS/HB 1612 (2010).

SECTION 250.233 - Determining Rates for Sewer Service

Current law requires water companies and public water supply districts to make water service data available to cities that provide sewer services so that the cities can better calculate rates for service. The act requires the water providers to also make this information available to sewer districts.

This section is identical to the provision in TAT/SCS/HB 1612 (2010).

SECTION 393.320 - Acquisition of Water Utilities

If a large water utility elects to use the procedures, this section specifies procedures that the Public Service Commission (PSC) must use when determining the ratemaking rate base for a small water utility when such utility is acquired by the large water utility. A small water utility is a utility that provides water or

SPONSOR: Griesheimer HANDLER: Emery

sewer service to 8,000 or fewer customers and a large water utility is a regulated water company that provides water or sewer service to more than 8,000 customers. An appraisal for the sale must be prepared by 3 appraisers who shall be appointed as specified. The PSC may determine the ratemaking rate base for the small utility using options including the purchase price, appraised value, or the rate base in the utility's most recent rate case, if applicable. Any outstanding fees for a water pollution control permit issued by the Department of Natural Resources for the small utility must be resolved prior to sale, or else the outstanding fees become the responsibility of the large utility. New water pollution control permits issued for small utility when acquired by a large utility must include a plan to resolve any outstanding permit compliance issues. The large utility must provide service to all of the customers of the utility being acquired.

This section is similar to HB 2196 (2010).
ERIKA JAQUES

***** SB 793 *****

SPONSOR: Mayer HANDLER: Pratt

SS/SCS/SB 793 - This act modifies the informed consent requirements for an abortion by adding new requirements to be obtained at least twenty-four hours prior to an abortion. Some of the new requirements include the physician who is to perform or induce the abortion or a qualified professional presenting to the pregnant woman various new printed materials to be developed by the Department of Health and Senior Services by November 30, 2010, detailing the risks of an abortion and the physiological characteristics of an unborn child at two-week gestational increments. The woman must also be provided with the gestational age of the unborn child at the time the abortion is to be performed and must be given an opportunity to view, at least 24 hours prior to an abortion, an active ultrasound of the unborn child and hear the heartbeat of the unborn child, if the heartbeat is audible. Prior to an abortion being performed past twenty-two weeks gestational age, the woman must be provided information regarding the possibility of the abortion causing pain to the unborn child.

In addition to the written informed consent, the act requires the physician or a qualified professional to discuss the medical assistance and counseling resources available, advise the woman of the father's liability for child support, and provide information about the Alternatives to Abortion Program. All information required to be provided to a woman shall be presented to her individually in the physical presence of the woman. The abortion cannot be performed until the woman certifies in writing on a checklist form that she has been presented all the required information and that she has been given the opportunity to view an ultrasound, and to choose to have an anesthetic or analgesic administered to the unborn child.

This act requires the physician or qualified professional to provide the woman with access to a telephone and information about rape crisis centers, domestic violence shelters and obtaining orders of protection should the physician have reason to believe the woman is being coerced into having an abortion.

This act also amends the current informed consent provision, Section 188.039, by providing that informed consent may be obtained by the physician who is to perform or induce the abortion or a qualified professional.

Notwithstanding any other provision in law allowing a person to provide services related to pregnancy, delivery and postpartum services, no person other than a licensed physician can perform or induce an abortion. Anyone violating the provision is guilty of a class B felony.

This act also modifies health insurance provisions relating to abortion. Under current law, health insurance policies are barred from providing coverage for elective abortions except through optional riders.

***** SB 793 ***** **(Cont'd)**

SPONSOR: Mayer HANDLER: Pratt

Under this act, health insurance exchanges established in Missouri are prohibited from offering coverage for elective abortions through the purchase of optional riders. This provision is also contained in SB 747 (2010).

This act is similar to provisions in SB 264 (2009) and HBs 1327 & 2000 (2010).
ADRIANE CROUSE

***** SB 795 *****

SPONSOR: Mayer HANDLER: Loehner

CCS/HCS/SB 795 - This act modifies various provisions regarding animals and agriculture.

(SECTIONS 196.316, 261.200, 281.260, 311.550)

This act creates the Agriculture Protection Fund. All fees collected and assessed by the Department of Agriculture which are not already credited to a program-specific purpose shall be placed into the fund. Fees related to egg licenses, the sale of wine, and pesticide registration are specifically directed to be credited to the Agriculture Protection Fund.

The Agriculture Protection Fund shall only be used for Department of Agriculture functions and responsibilities. The act specifies that money in the Agriculture Protection Fund shall be used for administration of the program from which the fee was collected, except for fees related to the sale of wine. Any remaining balance in the fund shall not be subject to the biennial sweep.

Under current law, the fee for registering a pesticide in Missouri is $15 per year and there is a late charge of $5 assessed for any pesticide not registered by January 1st. This act increases the registration fee to $150 per year and the late charge to $50. If the funding from this fee or from the late charge fee exceeds the reasonable cost to administer the pest and pesticide programs, the Department of Agriculture is required to reduce fees for all registrants.

These provisions are similar to SCS/SB 622 (2010).

(SECTION 246.310)

Under current law, farmland is provided an exemption under the farmland protection act from being subject to water and sewer district assessments until the property is connected to the water or sewer system. The amendment specifies that this exemption does not apply to drainage and levee districts.

This section is similar to a provision of SCS/HCS/HB 1316 (2010), and identical to a provision of SS/SCS/HCS#2/HBs 1692, 1209, 1405, 1499, 1535, & 1811 (2010), HCS/SS/SCS/SB 580 (2010), HCS/SCS/SB 887 (2010), and HCS/SB 893 (2010).

(SECTION 266.355)

Equipment which is in use for storage of anhydrous ammonia as of August 28, 2010 and which is found by the Department of Agriculture to be in substantial compliance with generally accepted safety standards will not be subject to state regulations covering the storing and handing of anhydrous ammonia. The Department of Agriculture is required to adopt the 1999 American National Standards Institute standard for storage and handling of anhydrous ammonia, but the department is not allowed to adopt this standard before December 1, 2012.

(SECTIONS 270.260, 270.270, 270.400)

This act makes it a crime to recklessly release swine upon any public land or private land not completely enclosed by a fence. A person will be guilty of a Class D felony if they commit a third offense of releasing swine within ten years of their first offense.

The act also makes possessing or transporting a live Russian or European wild boar or wild-caught swine on public land a Class A misdemeanor and also allows for the assessment of an administrative penalty of up to 1,000 dollars per violation.

The Department of Agriculture is required to make rules for fencing and health standards for Russian and European wild boar and wild-caught swine held on private land. Individuals who hold these types of wild boars or swine on private land are required to get annual permits from the department of agriculture. These types of wild boars and swine may only be transported from farm to farm, directly to slaughter, or to a slaughter-only market.

The Animal Health fund is created to consist of all the fees collected by the department based on these permits and administrative penalties.

These provisions are similar to HCS/HB 2225 (2010) and HCS/SB 824 (2010).

(SECTIONS 273.327, 273.329)

Currently, animal shelters are exempt from paying a licensing fee to the Department of Agriculture. This act eliminates this exemption.

The Department of Agriculture is prohibited from hiring, contracting with, or otherwise using the services of the personnel of any non-profit organization for the purpose of inspecting or licensing shelters, pounds, kennels, breeders, and pet shops.

These provisions are identical to HCS/HB 2102 (2010), provisions of HCS/HB 1833 (2010), HCS/SB 824 (2010), HCS#2/SB 848 (2010).

(SECTION 274.180)

This act specifies that cooperative associations pay ten dollars annually, in lieu of state sales taxes.

This provision of law has an emergency clause.

This section is similar to HCS/SB 824 (2010).

(SECTIONS 319.306 and 319.321)

This act exempts individuals who use explosive materials to unblock clogged screens of agricultural irrigation wells within the Southeast Missouri Regional Water District from having to obtain a blaster's license. The act also exempts any person using explosives in this manner from having to calculate the scaled distance to the nearest uncontrolled structure, from having to use a seismograph to record ground vibration and acoustic levels, from having to retain seismograph recordings and accompanying records for three years, and from having to register with the Division of Fire Safety and file an annual report.

These provisions are similar to HB 1455 (2010) and identical to provisions of HCS/SB 824 (2010).

(SECTIONS 393.1025 and 393.1030)

This act requires the Public Service Commission and the Department of Natural Resources to consider methane from agricultural operations and thermal depolymerization or pyrolysis for converting waste material to energy as renewable energy resources for the purposes of requirements that electric utilities generate or purchase a certain percent of their electricity from renewable energy resources.

These provisions are identical to provisions of HCS#2/SB 848 (2010).

(SECTIONS 578.600, 578.602, 578.604, 578.606, 578.608, 578.610, 578.612, 578.614, 578.616, 578.618, 578.620, 578.622, 578.624, Section 1)

***** SB 795 ***** **(Cont'd)**

SPONSOR: Mayer HANDLER: Loehner

This act creates the Large Carnivore Act. Except as permitted in the act, the act prohibits the owning, breeding, possession, transferring of ownership, or transporting of "large carnivores," defined as certain non-native cats of the Felidae family or any species of non-native bear held in captivity.

Persons possessing, breeding, or transporting large carnivores on or after January 1, 2012, must apply for a permit for each such large carnivore from the Department of Agriculture. The fee for the permit shall not exceed $2,500 and the permit shall list certain information about the location, identification, and veterinary care of the large carnivore. The veterinarian identified in the permit must: insert an identification number in the animal via subcutaneous microchip, collect a DNA sample, provide a written summary of the animal's physical exam, and provide a signed health certificate as required for transport of the animal. The department may charge up to $500 for annual renewal of the permit. Certain individuals are ineligible for a permit.

The act requires any person who owns, possesses, breeds or sells a large carnivore to adhere to all United States Department of Agriculture regulations and standards. The state department of agriculture must be informed in the event of the animal's death.

A person may kill a large carnivore without civil liability if the person believes the carnivore is attacking or killing another person, livestock, or a mammalian pet, if the pet is being attacked outside the large carnivore's enclosure.

Any person who owns or possesses a large carnivore is liable in a civil action for the death or injury of a human or another animal and for any property damage caused by the large carnivore. If a large carnivore escapes or is released intentionally or unintentionally, the owner is required to immediately notify law enforcement and is liable for all expenses associated with the efforts to recapture the large carnivore. As a condition of being permitted to own a large carnivore, the owner is required to show proof of having liability insurance in an amount of not less than $250,000.

Individuals who intentionally release a large carnivore shall be guilty of a Class D felony. Other violations of this act shall be a Class A misdemeanor. The penalty for violating the act may also include community service, loss of privilege to own or possess an animal, and civil forfeiture of any large carnivore.

The requirements of the act are in addition to any applicable state or federal laws and do not preclude any political subdivision from adopting more restrictive laws. Certain entities, law enforcement officials, animal control officers, and veterinarians are exempt from the permit and ID chip requirements of the act. The act does not apply to circuses, the College of Veterinary Medicine at the University of Missouri-Columbia, or to certain zoological parks.

The act creates the Large Carnivore fund for the deposit of gifts, donations, bequests, or appropriations.

These provisions are similar to HB 1288 (2010), SB 832 (2010), HCS/HB 426 (2009), SB 206 (2007) and the perfected HB 1441 (2006).
EMILY KALMER

***** SB 808 *****

SPONSOR: Callahan HANDLER: Sutherland

SCS/SB 808 - This act specifies that the required continuing instruction for certain public administrators in counties of the first classification does not have to be "classroom" instruction.

Public administrators from a second, third, or fourth classification county or St. Louis City, who choose

SPONSOR: Callahan HANDLER: Sutherland

to receive an annual salary shall receive $2,000 of such salary only if he or she has completed at least 20 hours of instruction each year approved by a professional association of the county public administrators of Missouri. The professional association approving the program shall provide a certificate of completion for the training and send a list of certified public administrators to the treasurer of each county. Expenses incurred for attending the training session shall be reimbursed to the public administrator in the same manner as other expenses.

This act is similar to provisions of SS/SCS/HB 1290 (2010) and HCS/SCS/SB 887 (2010).
SUSAN HENDERSON MOORE

***** SB 834 *****

SPONSOR: Rupp HANDLER: Diehl

SCS/SB 834 - Under this act, a domestic insurer organized as a stock insurance company may voluntarily dissolve and liquidate provided that the director of the Department of Insurance approves the articles of dissolution prior to the insurer's filing of such articles with the Secretary of State and the insurer files with the secretary of state a copy of the director's approval, certified by the director, along with articles of dissolution.

In determining whether to approve the articles of dissolution, the director shall consider, among other factors, whether:

1) The insurer's annual financial statements filed with the director show no written insurance premiums for 5 years;

2) The insurer has demonstrated that all policyholder claims have been satisfied or have been transferred to another insurer in a transaction approved by the director; and

3) A market conduct examination of the insurer has been completed within the last 5 years.

This provision is contained in the truly agreed to version of SB 583 (2010) and the truly agreed to version of HB 1764 (2010).
STEPHEN WITTE

***** SB 842 *****

SPONSOR: Schmitt HANDLER: Stream

CCS/HCS/SCS/SBs 842, 799 & 809 – This act modifies provisions relating to public assistance programs administered by the state.

EXEMPTION FOR MO HEALTHNET FROM PAYING MEDICARE PART B DEDUCTIBLE AMOUNTS FOR HOSPITAL SERVICES

Current law requires reimbursement for services provided to an individual who is eligible for MO HealthNet, Medicare Part B, and Supplementary Medical Insurance to include payment in full of deductible and coinsurance amounts as determined by federal Medicare Part B provisions. This act exempts MO HealthNet from paying for the Medicare Part B deductible and coinsurance amounts for hospital outpatient services. SECTION 208.010

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010) and is substantially similar to provisions in HB 1918 (2010).

REIMBURSEMENT

Subject to appropriations, the Department of Social Services shall establish an equal reimbursement

rate for the same or similar services rendered by physicians and optometrists to MO HealthNet patients. SECTION 208.198

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010) and CCS/CCS/HCS/SS/SCS/SB 754 (2010).

THIRD PARTY PAYERS/SUBROGATION

Under this act any third party payer, such as third party administrators, administrative service organizations, health benefit plans and pharmacy benefits managers, shall process and pay all properly submitted MO HealthNet subrogation claims using standard electronic transactions or paper claims forms for a period of three years from the date services were provided or rendered. However, such third party payers shall not:

(1) Be required to reimburse for items or services which are not covered under MO HealthNet;

(2) Deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(3) Be required to reimburse for items or services for which a claim was previously submitted to the third party payer by the health care provider or the participant and the claim was properly denied by the third party payer for procedural reasons, except for timely filing, type or format failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(4) Be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim form for subrogation has been filed.

Such third party payers shall reimburse for items or services to the extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it has been properly billed at the point of sale. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state. SECTION 208.215

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010), CCS/SCS/HB 2226 (2010), CCS/SCS/HB 1868 (2010) and substantially similar to SB 799 (2010), SB 809 (2010) and SB 552 (2009). This provision is also contained in the truly agreed to version of SB 583 (2010).

REPEAL OF PUBLIC HOSPITAL EXEMPTION FROM THE HOSPITAL REIMBURSEMENT ALLOWANCE

This act no longer allows public hospitals which are operated primarily for the care and treatment of mental disorders to be exempted from participating in the Hospital Reimbursement Allowance. SECTION 208.453

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010).

INDEPENDENT THIRD PARTY IN-HOME AND COMMUNITY BASED ASSESSMENTS

This act allows, rather than requires, the Department of Health and Senior Services to reimburse in-home providers for nurse assessments of participants in the in-home and home and community based programs. New language is added allowing the department to contract for home and community based assessments through an independent third-party assessor.

The contracts shall include a requirement that within 15 days of receipt of a referral for service, the contractor shall have made a face to face assessment of care need and developed a plan of care and the contractor shall notify the referring entity within 5 days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010,

SPONSOR: Schmitt HANDLER: Stream

related to timeliness of assessments and the beginning of service.

The two nurse visits that are currently allowed under section 660.300, shall continue to be performed by home and community-based providers for, including but not limited to, reassessments and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the third party assessor shall conduct a face-to-face review with the client in question. This provision has a three-year expiration date. SECTION 208.895

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010) and similar to provisions in HB 1918 (2010).

TELEPHONE TRACKING SYSTEM

This act requires both personal care assistance vendors and in-home services providers to use a telephone tracking system to review and certify the accuracy of reports of delivered services and to ensure more accurate billing by July 1, 2015. The requirements of the telephone tracking system are specified in the act. In order for vendors or provider agencies to obtain an agreement with the Department of Social Services, the vendor or agency must demonstrate the ability to implement the telephone tracking system.

Personal care assistance consumers shall be responsible for approving requests through the telephone tracking system and shall provide the vendor with necessary information to complete the required paperwork for establishing the employer identification number.

DHSS in collaboration with centers for independent living must establish a telephony pilot project in an urban and a rural area. This act requires the telephony report provided to the Governor to include a minority report detailing elements not agreed upon by centers for independent living and the executive branch. Entities interested in participating in the telephony pilot project will not be required to pay the full cost of the project and can contract with a vendor of their choice. SECTIONS 208.909, 208.918, 660.023

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010) and similar to provisions in HB 1918 (2010).

COMPLAINT CALLS FOR IN-HOME SERVICES CLIENTS

Current law provides that all in-home services clients shall be advised of their rights by the Department of Health and Senior Services, including the right to call the department to report dissatisfaction with the provider or services. This act provides that it can be by the department's designee. This act also provides that the department may contract for services relating to receiving such complaints. SECTION 660.300

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010) and substantially similar to provision in HB 1918 (2010).

IN-HOME PROVIDER TAX

This act removes references to Chapter 208 (the Mo HealthNet chapter) from the sections relating to the in-home provider tax. It also extends the expiration date for the provider tax from 2011 to 2012. SECTION 660.425 to 660.465

This provision is substantially similar to provisions in CCS/HCS/SS/SCS/SB 1007 (2010).
ADRIANE CROUSE

***** SB 844 *****

SPONSOR: Shields HANDLER: Jones

CCS#3/HCS#2/SB 844 - This act modifies the law relating to ethics.

SECTION 8.106

SPONSOR: Shields HANDLER: Jones

The Commissioner of the Office of Administration shall provide each Senator And Representative with a key that accesses the dome of the state capitol.

SECTION 34.048
In any contract for purchases not subject to competitive bid processes, the Office of Administration shall not prevent any department, office, board, commission, bureau, institution, political subdivision, or any other agency of the state from purchasing supplies from an authorized General Services Administration vendor.

SECTION 37.900
Statewide elected officials may request the Office of Administration to determine the lowest and best bidder with respect to purchasing, printing, and services expenditures for which the official has the authority to contract. Upon such request, the Office of Administration shall have 45 days to respond by naming the lowest and best bid.

SECTION 105.456
A statewide elected official is guilty of the crime of bribery of a public servant if he or she makes offers or promises to confer paid employment to any other statewide elected official in exchange for the legislator's official vote. Those who agree to such an arrangement are guilty of the crime of acceding to corruption.

SECTION 105.463
Nominees for gubernatorial appointments to a board or commission requiring Senate confirmation shall file a financial interest statement and shall request a list of political contributions from the Ethics Commission. The nominee shall deliver the information to the Senate pro tem prior to confirmation.

SECTION 105.473
Lobbyists who knowingly omit, conceal, or falsify information in expenditure reports are guilty of a Class A misdemeanor. Lobbyists are required to report expenditures when all members of certain bodies (such as the Senate) are invited in writing. This act stipulates that those bodies may or may not include staff. Statewide officials are included.

SECTIONS 105.955, 105.957, 105.959, 105.961
With a unanimous vote of the Ethics Commission, the executive director may conduct an independent investigation of an ethics violation without a complaint if there are reasonable grounds to believe that a violation has occurred. The commission shall notify the person under investigation and assign a special investigator. The investigations of the executive director are confidential and the revealing of such information shall be cause for removal or dismissal. Investigations failing to establish reasonable grounds to believe a violation has occurred shall be terminated.

SECTION 105.961
Currently, within 120 days of receipt of a complaint, the special investigator submits a report to the commission. This act changes that threshold to 90 days.

Determinations that violations have occurred, other than referrals for criminal prosecution, may be appealed de novo to the Circuit Court of Cole County.

SECTION 105.963
The late filing fee for filing campaign disclosure reports and statements of limited activity are increased from $10 to $50 per day not to exceed $3,000. The executive director is allowed to send notice by other means than registered mail within 7 days of failure to file. Lobbyists required to file expenditure reports, individuals required to file financial disclosure reports, and candidates and committees required to file disclosure statements may appeal late fee assessments in the same manner with the commission.

SPONSOR: Shields HANDLER: Jones

The act allows the commission to collect unpaid fees through garnishment and other means.

SECTION 105.966
The act removes a provision allowing extra time for investigations when they are assigned to a retired judge and a provision allowing the commission to file a petition to seek extra time.

SECTION 115.364
Party nominating committees are barred from nominating a disqualified candidate to the office he or she was disqualified from in either the primary or general elections.

SECTION 130.011
This act redefines committees for the purposes of campaign finance. Political party committees are redefined to only include one congressional district committee for each congressional district in the state, and one state party committee. Legislative and senatorial district committees are abolished. Continuing committees are redefined as political action committees which are all committees other than a candidate committee, political party committee, campaign committee, exploratory committee, or debt service committee and can carry out the same functions as continuing committees under current law.

SECTION 130.021
Treasurers and deputy treasurers are no longer required to be residents of the county or district in which their committee sits.

Persons shall not form a new committee or serve as a deputy treasurer of a committee until all disclosure reports and statements of limited activity are filed and all fees paid.

SECTION 130.031
Political action committees shall only receive contributions from individuals, corporations, unions, and federal political action committees. They shall be barred from receiving contributions from all other committees. Candidate committees, political party committees, campaign committees, exploratory committees, political party committees, campaign committees, exploratory committees, and debt service committees shall be allowed to return a contribution to a donor political action committee that is the origin of the contribution. The state house committee and the state senate committee shall be exempt from the prohibited transfers.

All committees are required to file financial disclosure reports electronically beginning January 1, 2011.

Treasurers shall not transfer funds to another committee with the intent to conceal the identity of the source of the funds.

SECTION 130.044
State senators and representatives and candidates for those offices shall report contributions received during the legislative session exceeding $500 within 48 hours of receiving the contribution. The same 48 hour reporting requirement is imposed for contributions given to the Governor, all statewide elected officials, and candidates for those offices during legislative session and any time when legislation from the regular legislative session awaits gubernatorial action.

SECTION 130.071
Currently, candidates who fail to file disclosure reports shall not take office until reports are filed. This act extends that requirement to all reports filed with the commission and fees owed. Currently, those who have not filed disclosure reports shall not file for office. This act also extends that requirement to fees owed.

SECTION 575.021

***** SB 844 ***** **(Cont'd)**

SPONSOR: Shields HANDLER: Jones

The act creates the Class A misdemeanor crime of obstruction of an ethics investigation if one knowingly bribes a person in exchange for withholding information, knowingly accepts such a bribe for withholding the information, knowingly makes a false statement to a member or employee of the Ethics Commission.

SECTIONS 105.485, 105.955, 130.021, 130.026, 130.028, 130.041, 130.046, 130.057, 226.033
Changes references from "continuing committee" to "political action committee".

This act is similar to SB 577 (2010), SB 882 (2010), SB 893 (2010), HB 1868 (2010), HB 1500 (2010), HB 1846 (2010), HB 2039 (2010), and HB 2300 (2010).
CHRIS HOGERTY

***** SB 851 *****

SPONSOR: Schmitt HANDLER: Parson

HCS/SB 851 - For any public meeting where a vote of the governing body is required on issues regarding a tax increase, eminent domain with respect to a retail development project, certain types of improvement or development districts, or tax increment financing, the governing body of such county, city, town or village must give at least four days notice before the entity may vote on such issues. Each such public meeting must include time for public comment. If proper notice is not given, no vote shall be taken until proper notice has been provided. Any legal challenge to the provisions of this section must be brought within thirty days of the subject meeting or such meeting shall be deemed to have been properly noticed and held.

This act is similar to a provision contained in SCS/HCS/HB 316 (2009).
JIM ERTLE

***** SB 884 *****

SPONSOR: Schaefer HANDLER: Diehl

SS/SCS/SB 884 - This act requires all tobacco manufacturers whose cigarettes are sold in Missouri to report and certify to the Department of Revenue and the Attorney General's office by April 30 of each year that they are in compliance with the Tobacco Settlement Model Statute currently in Missouri law. In addition to the certification, manufacturers must also provide a list of "brand families". Non-participating manufacturers must provide the number of units sold for each family for the preceding year, the name and address of any other manufacturer of their brand families in the preceding or current calendar year, and other information to verify compliance with the model statute in their certification. All manufacturers must update their lists thirty days prior to any addition to or modification of its brand families through a supplemental certification to the director of the Department of Revenue.

In addition to other certification requirements, each non-participating manufacturer must be registered to do business in the state or maintain an agent within the state for the purpose of service of process relating to the enforcement of the act. By January 1, 2011, the Director of the Department of Revenue must make available for public inspection or publish on the department's website a list of all tobacco product manufacturers that have satisfied the certification requirements established in the act. The directory may be updated on the first calendar day of each month if necessary. Upon first publication of the directory and following any updates to the directory, the act allows tobacco wholesalers and retailers to sell their inventory of cigarettes of manufacturers which have been not been included the directory for specified periods without penalty.

The Director of the Department of Revenue and the Attorney General are allowed to share information on tobacco sales in the state to implement and enforce the provisions of the act.

Stamping agents (persons authorized to affix cigarette tax stamps to cigarette packages) are required

SPONSOR: Schaefer HANDLER: Diehl

to submit to the director an e-mail address for the receipt of notifications as required by the bill and to submit various reports and documents as required by the department.

The act provides that any cigarettes that have been deemed by a court of competent jurisdiction to have been sold, offered for sale, or possessed for sale in violation of the act will be deemed contraband and subject to seizure, forfeiture, and destruction. In any successful action brought by the state under the act, the state may be entitled to recover the costs of investigation and action including reasonable attorney fees. The amendment subjects determinations not to list, or to remove from, the directory a brand family or tobacco product manufacturer to review by a court of competent jurisdiction.

Various penalties and actions for failure to comply with the requirements of the act are included.

The act contains an emergency clause.

This act is similar to the Senate Committee Substitute for Senate Bill 242 (2007).
JASON ZAMKUS

***** SB 928 *****

SPONSOR: Lager HANDLER: Sutherland

SS/SB 928 - This act provides that in general, sales for resale will not be subject to sales tax provided such subsequent sale is taxed in this or another state, for resale, or exempt from tax. Two exceptions to the general rule are created for charges for admission or seating accommodations at places of amusement, entertainment, or recreation, and for charges for rooms, meals, and drinks. In the case of the two exceptions, operators of such places must remit tax on the gross receipts received by such operators, and subsequent sales will not be subject to tax if they are an arms length transaction for fair market value with an unaffiliated entity.

The act exempts sales of sporting clays, wobble, skeet, and trap targets to any shooting range or similar places of business for use in the normal course of business and money received by a shooting range or similar places of business from patrons and held by a shooting range or similar place of business for redistribution to patrons at the conclusion of a shooting event from state and local sales and use taxes.
JASON ZAMKUS

***** SB 940 *****

SPONSOR: Pearce HANDLER: Hoskins

HCS/SB 940 - This act changes the restrictions on different types of bingo license holders, including when they can hold bingo games and various restrictions on advertising. In addition, this act changes reporting requirements and records retention schedules for licensees.

An abbreviated bingo license holder is allowed to conduct up to 15 bingo games annually, rather than four. The act requires all licensed organizations to pay annual license fee of $50. Current law had allowed certain organizations to pay an annual license fee of $10.

The Gaming Commission is authorized to set the aggregate retail value of all prizes and merchandise awarded in a single day, except awards by pull-tab cards and progressive bingo games. A bingo licensee cannot require a player to purchase more than a standard pack of bingo cards in order to participate in a game. The act authorizes a licensee to conduct bingo games two days per week, rather than one day per week.

The act increases the amount that may be expended on advertising from 2% to 10% of the total amount expended from bingo receipts. The act removes a provision of law that prohibited a licensee from

SPONSOR: Pearce HANDLER: Hoskins

referencing the aggregate value of bingo prizes in an advertisement. Currently, no bingo games can be operated between midnight and 10:00 a.m. This act provides that no bingo game can be operated between 1:00 a.m. and 7:00 a.m.

Games are permitted to be conducted by electronic bingo card monitoring devices that are approved by the commission.

Every bingo licensee that conducts games on more than three occasions in any calendar year shall submit quarterly, rather than annual reports to the gaming commission.

The act requires each licensee to keep a complete record of bingo games conducted in the previous two, rather than three years, except for records stipulated as one-year retention by regulation.

Applicants for suppliers' licenses and manufacturers' licenses are required to pay for the cost of a criminal history investigation. This act would also increase the maximum amount the commission can charge for a manufacturer's license from $1,000 to $5,000 and would increase the possible charge for an annual renewal fee from $500 to $1,000.

The provisions of this act are similar to HB 1294 (2010).
CHRIS HOGERTY

***** SB 942 *****

SPONSOR: Rupp HANDLER: Dieckhaus

HCS/SCS/SB 942 - The governing body of a municipality may annex a parcel of land within a research, development, or office park, as defined in Section 172.273 that is compact and contiguous to the existing municipal boundaries if the municipality receives the written consent of all the property owners within the area.

The city of Byrnes Mill shall not annex any territory adjacent to the city if the adjacent territory proposed for annexation does not contain any registered voters unless the city has obtained the written consent of all the property owners within such territory.

This act has provisions similar to HB 2172 (2010).
SUSAN HENDERSON MOORE

***** SB 981 *****

SPONSOR: Callahan HANDLER: Sutherland

HCS/SB 981 - This act allows the governing body of Kansas City to seek voter approval to impose a one-eighth, one-fourth, one-half, or three-fourths percent sales tax to provide revenues for public safety activities including operations and capital improvements, which may be funded by the issuance of bonds.

Under current law the general city sales tax law allows cities to impose a sales tax, upon voter approval, at a rate of one-half of 1%, seven-eighths of 1%, or 1%; and the City of St. Louis may impose the tax at a rate not to exceed one and three-eighths percent, for the benefit of the city. This act specifies that the combined rate of sales taxes adopted under the city sales tax law cannot exceed 2%.

Currently, under the capital improvements city sales tax law, cities not in St. Louis County may impose a sales tax, upon voter approval, at a rate of one-eighth, one-fourth, three-eighths, or one-half of 1% for the purpose of funding, operating, and maintaining capital improvements. Municipalities in charter counties are authorized to impose a capital improvements tax under Section 94.890, RSMo. This act provides that the combined rate of sales taxes adopted under the capital improvement city sales tax law

cannot exceed 1%.

The changes to the general city sales tax and capital improvements city sales tax law are not to be construed as a new tax or an increase in the current levy of an existing tax for the purpose of the Hancock Amendment which requires voter approval. Cities that have already imposed and collected taxes under the city sales tax law can continue to do so without voter approval as a continuation of a tax previously approved by the voters of the city.

The act provides that in general, sales for resale will not be subject to sales tax provided such subsequent sale is taxed in this or another state, for resale, or exempt from tax. Two exceptions to the general rule are created for charges for admission or seating accommodations at places of amusement, entertainment, or recreation, and for charges for rooms, meals, and drinks. In the case of the two exceptions, operators of such places must remit tax on the gross receipts received by such operators, and subsequent sales will not be subject to tax if they are an arms length transaction for fair market value with an unaffiliated entity.

The act creates a state and local sales and use tax exemption for sales of utilities by sports complex authorities at such authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team.

Mandatory and voluntary gratuities provided in conjunction with the receipt of property or services are exempted from local sales and use tax regardless of whether such property or service is subject to sales or use tax.

Local taxes imposed upon transient accommodations will only apply to amounts actually received by operators of places in which rooms are furnished to the public (such as hotels, motels and inns etc.) This provision will not apply if the purchaser is an entity which is exempt from tax.

The act contains an emergency clause for the provisions: authorizing the City of Kansas City to seek voter approval for a public safety sales tax; modifying provisions of the capital improvements city sales tax law; regarding sales for resale; exempting sales of utilities by sports complex authorities from state and local sales tax; exempting gratuities from local sales and use tax; and regarding local taxes on transient accommodations.
JASON ZAMKUS

***** SB 984 *****

SPONSOR: Lembke HANDLER: Zerr

SS/SB 984 - Under current law, it is a Class B misdemeanor for any gaming licensee to exchange tokens, chips, or other forms of credit used on gambling games for anything of value other than as a wager on gambling games or an exchange of money. This act would allow gaming licensees to exchange tokens, chips, or other forms of credit used on gambling games for wagers on gambling games, an exchange of money, and for payment for food or beverages on excursion gambling boats. It will be a Class B misdemeanor for a gaming licensee that exchanges tokens, chips, or other forms of credit used on gambling games for anything of value other than as a wager on gambling games, an exchange of money, or for payment for food or beverages on excursion gambling boats will.
JASON ZAMKUS

***** SB 987 *****

SPONSOR: Stouffer HANDLER: Hobbs

SB 987 - Under current law, the University of Missouri Board of Curators is given authority to award funds for research projects to advance knowledge of spinal cord injuries and congenital or acquired

SPONSOR: Stouffer HANDLER: Hobbs

disease processes. This act increases the statutory award amount per project from $50,000 to $250,000 per project.
ADRIANE CROUSE

***** SB 1007 *****

SPONSOR: Dempsey HANDLER: Cooper

CCS/HCS/SS/SB 1007 - This act modifies provisions relating to public assistance programs administered by the state.

TUBERCULOSIS

This act changes the references to the University of Missouri Board of Curators as it relates to the treatment and commitment of tuberculosis to the Department of Health and Senior Services. In addition, state payment shall be available for the treatment and care of individuals with tuberculosis committed for public health reasons only after benefits from all third-party payers have been exhausted. Sections 172.850, 199.010 TO 199.260

INFORMATION REGARDING HOME AND COMMUNITY BASED SERVICES

Prior to admission of a MO HealthNet individual into a long-term care facility, the prospective resident or his or her next of kin, legally authorized representative, or designee shall be informed of the home and community based services available in this state and shall have on record that such home and community based services have been declined as an option. Section 198.016

EXEMPTION FOR MO HEALTHNET FROM PAYING MEDICARE PART B DEDUCTIBLE AMOUNTS FOR HOSPITAL SERVICES

Current law requires reimbursement for services provided to an individual who is eligible for MO HealthNet, Medicare Part B, and Supplementary Medical Insurance to include payment in full of deductible and coinsurance amounts as determined by federal Medicare Part B provisions. This act exempts MO HealthNet from paying for the Medicare Part B deductible and coinsurance amounts for hospital outpatient services. Section 208.010

These provisions are identical to CCS/HCS/SCS/SBs 842, 799, & 809 (2010) and are substantially similar to provisions in HB 1918 (2010).

CHILD CARE SUBSIDIES

This act provides that the Children's Division within the Department of Social Services shall develop rules to become effective by July 1, 2010, modifying the income eligibility criteria for any person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Eligible child care recipients under state law and regulation may pay a fee based on adjusted gross income and family size unit based on a child care sliding scale fee established by the Children's Division, which is subject to appropriations. However, a person receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the Children's Division, at which time such person will have assumed the full cost of the maximum base child care subsidy benefits. "Annual appropriation level" is defined as the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.

The sliding scale fee may be waived for children with special needs as established by the division. The maximum payment by the division shall be the applicable rate minus the applicable fee.

These provisions are identical to SS/HB 2290 (2010) and similar to SB 625 (2010), SS/SCS/SB 94

(2009), SCS/SB 776 (2008) and SCS/SB 260 and 71 (2007).

THIRD PARTY PAYERS/SUBROGATION

Under this act any third party payer, such as third party administrators, administrative service organizations, health benefit plans and pharmacy benefits managers, shall process and pay all properly submitted MO HealthNet subrogation claims using standard electronic transactions or paper claims forms for a period of three years from the date services were provided or rendered. However, such third party payers shall not:

(1) Be required to reimburse for items or services which are not covered under MO HealthNet;

(2) Deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(3) Be required to reimburse for items or services for which a claim was previously submitted to the third party payer by the health care provider or the participant and the claim was properly denied by the third party payer for procedural reasons, except for timely filing, type or format failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(4) Be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim form for subrogation has been filed.

Such third party payers shall reimburse for items or services to the extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it has been properly billed at the point of sale. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state. Section 208.215

This provision is identical to provisions in CCS/HCS/SCS/SBs 842, 799, & 809 (2010), CCS/SCS/HB 2226 (2010), and CCS/SCS/HB 1868 (2010).

REPEAL OF PUBLIC HOSPITAL EXEMPTION FROM THE HOSPITAL REIMBURSEMENT ALLOWANCE

This act no longer allows public hospitals which are operated primarily for the care and treatment of mental disorders to be exempted from participating in the Hospital Reimbursement Allowance. These provisions are identical SCS/SBs 842, 799, & 809 (2010). Section 208.453

These provisions are identical to CCS/HCS/SCS/SBs 842, 799, & 809 (2010).

INDEPENDENT THIRD PARTY IN-HOME AND COMMUNITY BASED ASSESSMENTS

This act allows, rather than requires, the Department of Health and Senior Services to reimburse in-home providers for nurse assessments of participants in the in-home and home and community based programs. New language is added allowing the department to contract for home and community based assessments through an independent third-party assessor.

The contracts shall include a requirement that within 15 days of receipt of a referral for service, the contractor shall have made a face to face assessment of care need and developed a plan of care and the contractor shall notify the referring entity within 5 days of receipt of referral if additional information is needed to process the referral.

The contract shall also include the same requirements for such assessments as of January 1, 2010, related to timeliness of assessments and the beginning of service.

The two nurse visits that are currently allowed under section 660.300, shall continue to be performed by home and community-based providers for, including but not limited to, reassessments and level of care recommendations. These reassessments and care plan changes shall be reviewed and approved by the independent third party assessor. In the event of dispute over the level of care required, the third party

SPONSOR: Dempsey HANDLER: Cooper

assessor shall conduct a face-to-face review with the client in question. This provision has a three-year expiration date. SECTION 208.895

This provision is identical to provisions in to CCS/HCS/SCS/SBs 842, 799, & 809 (2010) and similar to provisions in HB 1918 (2010).

TELEPHONE TRACKING SYSTEM

This act requires both personal care assistance vendors and in-home services providers to use a telephone tracking system to review and certify the accuracy of reports of delivered services and to ensure more accurate billing by July 1, 2015. The requirements of the telephone tracking system are specified in the act. In order for vendors or provider agencies to obtain an agreement with the Department of Social Services, the vendor or agency must demonstrate the ability to implement the telephone tracking system.

Personal care assistance consumers shall be responsible for approving requests through the telephone tracking system and shall provide the vendor with necessary information to complete the required paperwork for establishing the employer identification number.

DHSS in collaboration with centers for independent living must establish a telephony pilot project in an urban and a rural area. This act requires the telephony report provided to the Governor to include a minority report detailing elements not agreed upon by centers for independent living and the executive branch. Entities interested in participating in the telephony pilot project will not be required to pay the full cost of the project and can contract with a vendor of their choice. SECTIONS 208.909, 208.918, 660.023

This provision is identical to provisions in CCS/HCS/SCS/SBs 842, 799, & 809 (2010) and similar to provisions in HB 1918 (2010).

COMPLAINT CALLS FOR IN-HOME SERVICES CLIENTS

Current law provides that all in-home services clients shall be advised of their rights by the Department of Health and Senior Services, including the right to call the department to report dissatisfaction with the provider or services. This act provides that it can be by the department's designee. This act also provides that the department may contract for services relating to receiving such complaints. Section 660.300

These provisions are identical CCS/HCS/SCS/SBs 842, 799, & 809 (2010) and substantially similar to provision in HB 1918 (2010).

IN-HOME PROVIDER TAX

This act removes references to Chapter 208 (the Mo HealthNet chapter) from the sections relating to the in-home provider tax. It also extends the expiration date for the provider tax from 2011 to 2012. SECTION 660.425, 660.465

These provisions are substantially similar to CCS/HCS/SCS/SBs 842, 799, & 809 (2010).
ADRIANE CROUSE

***** SCR 35 *****

SPONSOR: Stouffer

SCS/SCRs 35 & 32 - This resolution disapproves new values for agricultural and horticultural property filed with the Secretary of State's Office on December 21, 2009, by the State Tax Commission. The State Tax Commission is required to set the value for each of the eight grades of agricultural land based upon productive capability for use by county assessors to determine property tax liabilities.

Section 137.021, RSMo, authorizes the General Assembly to disapprove any regulation containing new agricultural land values by a concurrent resolution adopted within the first sixty calendar days of the session following promulgation of such regulation.

***** SCR 35 ***** **(Cont'd)**

SPONSOR: Stouffer

JASON ZAMKUS

***** HB 1270 *****

SPONSOR: Meiners HANDLER: Justus

HB 1270 - This act changes the name of the Crippled Children's Service within the Department of Health and Senior Services to the Children's Special Health Care Needs Service. This act also renames the Crippled Children's Service Fund as the Children's Special Health Care Needs Service Fund. The act also specifies that the services are for children who have a physical disability or special health care need rather than for children who are crippled.

ADRIANE CROUSE

***** HB 1311 *****

SPONSOR: Scharnhorst HANDLER: Rupp

CCS/SCS/HCS/HBs 1311 & 1341 - This act requires health carriers to provide insurance coverage for the diagnosis and treatment of autism spectrum disorders and provides for the licensure of applied behavior analysts.

This act creates the Behavior Analyst Advisory Board under the State Committee of Psychologists within the Department of Insurance, Financial Institutions and Professional Registration to establish licensure and registration requirements for behavior analysts and assistant behavior analysts who provide applied behavior analysis therapies for children with autism spectrum disorders (Sections 337.300 to 337.345).

The board shall be comprised of 7 members appointed by the Governor and confirmed by the Senate. The board shall meet quarterly. Members of the board shall receive compensation in the amount established by the division not to exceed $50 per day.

The act sets forth the various powers of the board. The board's primary powers involve reviewing applications for licensure and establishing criteria for the practice of behavior analysis.

The act established procedures for obtaining temporary licenses for behavior analysts and assistant behavior analysts. The act also establishes procedures for obtaining provisional licenses.

The act sets forth a procedure for renewing a behavior analyst or assistant behavior analyst license.

Under the act, the State Committee of Psychologists is authorized to discipline licensees by filing a complaint with the administrative hearing commission. The act sets forth various causes for which a behavior analyst license or assistant behavior analyst license may be revoked or suspended.

Persons who violate the licensing standards established by the act shall be guilty of class A misdemeanor.

Under this act, health carriers that issue or renew group health benefit plans on or after January 1, 2011, must provide coverage for the diagnosis and treatment of autism spectrum disorders to the extent that such diagnosis and treatment is not already covered by the health benefit plan.

The act prohibits health carriers from denying or refusing to issue coverage on, refuse to contract with, or refuse to renew or refuse to reissue or otherwise terminating or restricting coverage on an individual or their dependent because the individual is diagnosed with an autism spectrum disorder.

The act sets forth the coverage limits for autism spectrum disorders. Coverage under the act is limited to medically necessary treatment that is ordered by the insured's treating licensed physician or licensed

psychologist, in accordance with a treatment plan.

The treatment plan shall include all elements necessary for the health benefit plan or health carrier to review the treatment plan. Such elements include, but are not limited to, a diagnosis, proposed treatment by type, frequency and duration of treatment and goals.

Except for inpatient services, if an individual is receiving treatment for an autism spectrum disorder, a health carrier shall have the right to review the treatment plan not more than once every 6 months unless the health carrier and the individual's treating physician or psychologist agree that a more frequent review is necessary. Any agreement between a health carrier and a provider that provides for more frequent review of a treatment plan shall only apply to a particular individual being treated for an autism spectrum disorder and shall not apply to all individuals being treated for autism spectrum disorders by a physician or psychologist.

Coverage provided by the act for applied behavior analysis is subject to a maximum benefit of $40,000 per calendar year for individuals through 18 years of age. The $40,000 ABA limit may be exceeded, upon prior approval by the health benefit plan, if the provision of applied behavior analysis services beyond the maximum limit is medically necessary. The act provides the maximum benefit limitation for applied behavior analysis shall be adjusted by the health carrier at least triennially for inflation.

Coverage under the act shall not be subject to any limits on the number of visits an individual may make to an autism service provider except that the maximum total benefit for applied behavior analysis shall apply.

The health care services required by the act shall not be subject to any greater deductible, coinsurance or co-payment than other physical health care services provided by a health benefit plan. Coverage of services may be subject to other general exclusions and limitations of the contract or benefit plan, not in conflict with the provisions of this section, such as coordination of benefits, exclusions for services provided by family or household members, and utilization review of health care services, including review of medical necessity and care management; however, coverage for treatment under this section shall not be denied on the basis that it is educational or habilitative in nature.

To the extent any payments or reimbursements are being made for applied behavior analysis, such payments or reimbursements shall be made to either:

(1) The autism provider; or

(2) The entity or group for whom such supervising person works or is associated.

Such payments or reimbursements to an autism service provider or a board certified behavior analyst shall include payments or reimbursements for services provided by a line therapist under the supervision of such provider or behavior analyst if such services provided by the line therapist are included in the treatment plan and are deemed medically necessary.

The provisions of act shall not automatically apply to health benefit plan individually underwritten, but shall be offered as an option to any such plan.

The act provides the provisions of the autism mandate shall also apply to the following types of plans that are established, extended, modified or renewed on or after January 1, 2011:

(1) All self-insured governmental plans, as that term is defined in 29 U.S.C. Section 1002(32);

(2) All self-insured group arrangements, to the extent not preempted by federal law;

(3) All plans provided through a multiple employer welfare arrangement, or plans provided through another benefit arrangement, to the extent permitted by the Employee Retirement Income Security Act of 1974, or any waiver or exception to that act provided under federal law or regulation; and

(4) All self-insured school district health plans.

SPONSOR: Scharnhorst HANDLER: Rupp

The provisions of the act do not apply to various forms of supplemental insurance policies such as specified disease policies or Medicare supplement policies.

The autism mandate shall apply to any health care plans issued to employees and their dependents under the Missouri Consolidated Health Care Plan on or after January 1, 2011.

Under this act, health carriers are not be required to provide reimbursement to a school district for treatment for autism spectrum disorders provided by the school district. This act shall not be construed as affecting any obligation to provide service to an individual under an individualized family service plan, an individualized education plan, or an individualized service plan.

Under the act, the director of the Department of Insurance must grant a small employer with a group health plan a waiver from the autism insurance mandate if the small employer demonstrates to the director by actual experience over any consecutive 12 month period that compliance with the autism mandate has increased the cost of the health insurance policy by an amount that results in a 2.5% or greater over the period of a calendar year, in premium costs to the small employer.

The provisions of this act do not apply to the MO HealthNet program.

The act requires the Department of Insurance to submit an annual report to the General Assembly regarding the implementation of the autism insurance mandate. The report shall include:

(1) The total number of insureds diagnosed with autism spectrum disorder;
(2) The total cost of all claims paid out in the immediately preceding calendar year for ASD;
(3) The cost of such coverage per insured per month; and
(4) The average cost per insured for coverage of applied behavior analysis.

The provisions of this act are similar to provisions contained in SB 167 (2009), HB 2351 (2008), SB 1229 (2008), and SB 1122 (2008).
STEPHEN WITTE

***** HB 1316 *****

SPONSOR: Deeken HANDLER: Nodler

SCS/HCS/HB 1316 - Currently, in counties without a charter form of government the collector collects a seven percent fee for the collection of delinquent taxes. In counties with a charter form of government and St. Louis City, the collector collects a two percent fee for the collection of such taxes. Under this act, in counties adopting a charter form of government after January 1, 2008, the collector will collect a seven percent fee for the collection of delinquent taxes, while the collector in counties adopting a charter form of government before January 1, 2008, will collect a two percent fee. The provisions contained in a county's charter authorizing the collection of a fee for the collection of back taxes which conflict with state law will control.

The act allows certain counties of the first and second classification to collect property taxes using electronic records and disbursements. County collectors of these counties are required by the fifteenth day of each month to file, with the county clerk and auditor, a detailed statement of all taxes and license fees collected during the preceding month. The act requires payment of current taxes due, in addition to payment of taxes under protest, as a condition precedent to the collector's disbursement of taxes not under protest and the impounding of protested or disputed taxes. Taxing authorities will be required to request notification of current taxes paid under protest by February 1, and county collectors must provide the information by March 1.

Currently, all counties, except counties with a charter form of government excluding St. Charles

County, are required to establish a "Tax Maintenance Fund" to be used solely as a depository for funds received or collected for the purpose of funding additional costs and expenses incurred in the collector's office. Under this act, counties adopting a charter form of government after January 1, 2008, will be required to establish such a fund as well.

In the event a county of the third or fourth classification abolishes its township organization, the collector treasurer must assume all duties, compensation, and requirements of the collector-treasurer.

Under current law, assessors in counties without a charter form of government will be required to provide taxpayers with a projected tax liability notice which must accompany a notice of increased assessed value effective January 1, 2011. This act extends the effective date for the projected tax liability notice requirements for assessors in counties without a charter form of government and Jefferson County to January first of the year following the year in which such assessors receive software from the state tax commission which is necessary to provide such notices. For all calendar years prior to January first of the year following receipt of such software, all assessors in counties without a charter form of government and Jefferson County will be required to provide property owners with additional information accompanying the notice of increased assessed value. The notice shall include the previous assessed value and any increase, provide a statement indicating that the change in assessed valued may impact the record owner's tax liability, and provide processes and deadlines for appealing determinations of the assessed value. Such notice shall be provided in a way that alerts the record owner of the potential impact on tax liability and the available appellate processes.

Effective January 1, 2011, the St. Louis County Assessor, must provide taxpayers with a notice that information regarding the assessment method and computation of value for such real property is available on the assessor's website and provide the website address whenever the assessor notifies such taxpayers of changes in assessed value. Such notification shall provide the assessor's contact information so taxpayers without internet access can request and received such information.

The act changes the laws regarding the sale of real property for the collection of delinquent taxes. County collectors will be required to send up to three notices to the publicly recorded owner of record of the real property prior to the publishing of a tax sale with the first notice being by first class mail. If the assessed valuation of the property is greater than $1,000, a second notice must be sent by certified mail. A third notice by first class mail will be required to be sent to the owner of record and the occupant of the real property, if the second notice is returned unsigned.

A collector of revenue or other collection authority may refuse to accept a delinquent tax payment submitted without a copy of the tax statement. If the county collector determines that an adequate legal description of tax sale property cannot be obtained from documents available through the recorder of deeds, the collector may commission a professional land surveyor to prepare an adequate legal description of the property. Costs of the survey will be taxed as part of the sale costs. The assessed valuation of property that can be listed without a legal description or the name of the record owner and published in a newspaper of general circulation for three consecutive weeks prior to sale is increased from $500 to $1,000.

Nonresidents or foreign corporations must sign an affidavit consenting to jurisdiction of the circuit court and appoint an agent for service of process in order to purchase property at a tax sale. The certificate of purchase will be conveyed to an agent if the purchaser is a nonresident, and the agent must convey the property to the nonresident. The highest bid at a sale on the third successive year must be at least equal to the sum of the delinquent taxes, interest, penalties, and costs as it is required when it was initially offered and at the second successive year it was offered. After the third offering, the collector's deed or trustee's deed will have priority over all the other liens or encumbrances on the property sold except for real property taxes.

SPONSOR: Deeken HANDLER: Nodler

The purchaser is required to pay a fee to the collector to record the certificate of purchase in the office of the county recorder. If the delinquent land tax sale results in an amount greater than the amount of debt, taxes, interest, and costs, the excess proceeds must be held in trust in the county treasury for three years for the publicly recorded owner or owners of the property sold or their legal representatives. After three years, any amount not called for will be deposited into the county's school fund. The act modifies redemption periods for the owner of record to redeem tax sale property, and the owner must reimburse the purchaser for all costs of the sale including the cost for recording the certificate of purchase, the fee to record the release of the certificate, the cost of the title search and the required mail notifications, interest at the rate specified on the certificate, and any taxes paid by the purchaser plus 8% interest.

Within 120 days prior to receiving a collector's deed, a tax sale purchaser must obtain a title search report from a licensed attorney or title company detailing the ownership and encumbrances on the property. A third offering tax sale purchaser must send to the owner of record and other persons who hold publicly recorded claims on the property notice of the right to redemption within 45 days following purchase. The contents of the affidavit that a tax sale purchaser must provide to the collector before receiving a collector's deed to the property are modified to include the required title search and the 90 days' notice service requirements.

This act authorizes the establishment of the Kansas City Zoological District which may be composed of the counties of Cass, Clay, Jackson, and Platte at the option of the voters of each county. Each member county may impose, upon voter approval, a sales tax of up to one-quarter of one percent for the financial support of zoological activities within the district. The district will be governed by a commission comprised of one member of the governing body of each county that is part of the district; and one member of the Kansas City, Missouri Board of Parks and Recreation. The governing body of each eligible county may appoint one member to the commission which is selected from a list of three individuals provided by the Friends of the Zoo Inc. The lists of three potential members provided by the Friends of the Zoo Inc, may only contain individuals that are at least twenty-one years of age, and resident registered voter of the eligible county to which the list is provided. Members appointed by each eligible county which are selected from the list provided by the Friends of the Zoo Inc will serve four year terms. Eligible charter counties may appoint a member from the list provided by the Friends of the Zoo by a simple majority vote. Eligible noncharter counties may only appoint a member from the list provided by the Friends of the Zoo upon a unanimous vote of the governing body of such county.

The administrative expenses of the district incurred during the first six months after its creation must be appropriated to the commission by the member counties; thereafter, the district will be financed by the sales tax revenues collected and deposited into the newly created Kansas City Zoological District Sales Tax Trust Fund. Five years after its creation, the commission will be authorized to borrow money for the construction, operation, improvement, and maintenance of zoological facilities. The commission must submit an annual report to the governing body of each member county; the Kansas City, Missouri Board of Parks and Recreation; and the Friends of the Zoo, Incorporated detailing the commission's operations and transactions.

The act states that the provisions of Section 262.802, relating to abeyance of water and sewer assessments, will not apply to any drainage district or levee district.

This act contains provisions which are identical to Senate Amendment 19 to the Senate Substitute for Senate Committee Substitute for Senate Bill 580 (2010); the Truly Agreed to and Perfected Version of Senate Bill 588 (2010); the House Committee Substitute for House Bill 1420 (2010); and the SCS/HCS/HB 2297 (2010).
JASON ZAMKUS

***** HB 1340 *****

SPONSOR: Dugger HANDLER: Clemens

***** HB 1340 ***** **(Cont'd)**

SPONSOR: Dugger HANDLER: Clemens

HB 1340 - This act repeals the provision of law which allows the governing body of any fire protection district located in Douglas County to seek voter approval for the imposition of a sales tax of up to one percent for operation costs provided the district reduces its property tax levy annually by an amount equal to fifty percent of the previous year's sales tax revenue collections.
JASON ZAMKUS

***** HB 1375 *****

SPONSOR: Cooper HANDLER: Justus

SCS/HCS/HB 1375 - This act modifies provisions relating to sexually transmitted diseases.

EXPEDITED SEXUAL PARTNER THERAPY

This act provides that any licensed physician may, but shall not be required to, utilize expedited partner therapy for the management of the sexual partners of persons with chlamydia or gonorrhea if such partners do not have an established physician-patient relationship with such physician. A licensed physician using such therapy may prescribe and dispense medications for the treatment of chlamydia or gonorrhea for such sexual partners and must provide explanation and guidance on the preventative measures that can be taken by the patient to stop the spread of the disease. Any licensed physician utilizing expedited partner therapy for the management of such partners shall have immunity from any civil liability by reason of such actions, unless such physician acts negligently, recklessly, in bad faith or with malicious purpose. The Department of Health and Senior Services and the Division of Professional Registration shall develop rules for the implementation of the act.

This provision is similar to SB 955 (2010).

HPV IMMUNIZATION BROCHURE

This act requires the Department of Health and Senior Services to develop an informational brochure relating to the connection between human papillomavirus (HPV) and cervical cancer and the availability of an immunization for HPV. The department shall make the brochure available on its website and notify each school district of the availability of the brochure to be printed and included in any other materials as the school district deems appropriate. Materials made available under this act may only be distributed to parents directly and not distributed to students as material to be given to parents. Such information in the brochure shall include the risk factors for developing cervical cancer, the connection between HPV and cervical cancer, how it is transmitted and how transmission can be prevented, the latest scientific information about the immunization's effectiveness, information about the importance of pap smears, and a statement explaining that questions from parents or guardians may be answered by the family health care provider.

This provision is similar to SB 627 (2010).
ADRIANE CROUSE

***** HB 1392 *****

SPONSOR: Kirkton HANDLER: Bray

SCS/HB 1392 - This act prohibits the certification of ad valorem tax rates, other than rates necessary to pay principal and interest on outstanding bonds, for political subdivisions located at least partially within charter counties or the City of St. Louis which do not fix their tax rates on or before October first of each year. The act also prohibits the certification of ad valorem property tax rates, other than rates necessary to pay principal and interest on outstanding bonds, for all other political subdivisions which fail to certify their tax rate on or before September first.

Fire protection districts located at least partially within charter counties or the City of St. Louis must certify their ad valorem property tax rates by no later than October first of each year. All other fire

SPONSOR: Kirkton HANDLER: Bray

protection districts must certify their rates no later than September first of each year.

The act allows one change of hearing officer for each party to an appeal heard by the State Tax Commission. A party to an appeal need not show cause to receive a change of hearing officer, but must file a written application to disqualify the assigned hearing officer within thirty days of such assignment. Assignment of a hearing officer will be deemed to have occurred when the first scheduling order is issued by the commission and signed by the hearing officer assigned, unless otherwise stated in the order.

This act contains provisions identical to Senate Bill 860 (2010) and Senate Bill 686 (2010).
JASON ZAMKUS

***** HB 1408 *****

SPONSOR: Cox HANDLER: Lembke

CCS/SS/HCS/HB's 1408 & 1514 - This act decreases the period of time before which interest is allowed on an overpayment of individual income taxes from four months to 90 days after the later of the last date to file a return, including an extension, or the date the return was actually filed.
JASON ZAMKUS

***** HB 1442 *****

SPONSOR: Jones HANDLER: Nodler

CCS/SS/SCS/HB 1442 - Under current law Jefferson City and various other cities and counties, are allowed to impose a tax, not to exceed five percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. This act increases the maximum levy for only Jefferson City from five percent to seven percent. Such increase will become effective only upon voter approval.

Under current law the general city sales tax law allows cities to impose a sales tax, upon voter approval, at a rate of one-half of 1%, seven-eighths of 1%, or 1%; and the City of St. Louis may impose the tax at a rate not to exceed one and three-eighths percent, for the benefit of the city. Currently, under the capital improvements city sales tax law, cities not in St. Louis County may impose a sales tax, upon voter approval, at a rate of one-eighth, one-fourth, three-eighths, or one-half of 1% for the purpose of funding, operating, and maintaining capital improvements. The act makes the abolishment of city general revenue and capital improvement sales taxes effective December thirty-first of the calendar year in which a city decides to abolish the tax. Any city which chooses to abolish the taxes will be required to provide the department of revenue at least ninety days prior to the expiration date of the tax. The amendment allows the department of revenue to retain two percent of collections received after the notice of abolishment to cover possible refunds or overpayments. One year after termination of the tax, the department of revenue will remit any remaining balance to the city.

The act allows City of North Kansas City to seek voter approval to impose a transient guest tax of five percent per room, per night for the promotion of tourism and infrastructure improvements. The City of Grandview is authorized to impose, upon voter approval, a transient guest tax not to exceed 5% per room, per night for the promotion of tourism. The act also allows Montgomery County and the cities of Ashland and Sugar Creek to seek voter approval to impose a transient guest tax of between 2% and 5% per room, per night for the promotion of tourism.

Under current law, the City of St. Joseph and Buchanan County are authorized to seek voter approval to impose a tax of no less than two nor more than eight percent per room per night, on charges for sleeping rooms paid by guests of hotels and motels. The proceeds from the tax must be used for funding the promotion of tourism and convention facilities. This act would permit the city and county to use the proceeds from the tax for capital expenditures incurred in funding the promotion of tourism and convention facilities.

The act also allows the City of St. Joseph and Buchanan County to contract with one another to share transient guest tax revenues for the purpose of promoting tourism and the construction, maintenance, and improvement of convention center and recreational facilities.

Real property owners in Caldwell, Clinton, Daviess, and DeKalb counties are allowed to seek voter approval for the creation of exhibition center and recreational facility districts. If such a district is created, it may seek voter approval for the imposition of a one-quarter of one percent sales tax, for a period not to exceed twenty-five years, to fund the district. This provision is identical to the introduced version of Senate Bill 700 (2010).

Sales for resale will not be subject to sales tax provided such subsequent sale is taxed in this or another state, for resale, or exempt from tax. Two exceptions to the general rule are created for charges for admission or seating accommodations at places of amusement, entertainment, or recreation, and for charges for rooms, meals, and drinks at places such as hotels, motels, taverns, inns, restaurants etc. In the case of the two exceptions, such places must remit tax on the gross receipts received and subsequent sales will not be subject to tax if they are an arms length transaction for fair market value with an unaffiliated entity.

The act creates a state and local sales and use tax exemption for sales of utilities by sports complex authorities at such authority's cost that are consumed in connection with the operation of a sports complex leased to a professional sports team.

Any state or local tax imposed upon transient accommodations will only apply to amounts actually received by operators of places in which rooms are furnished to the public (such as hotels, motels and inns etc.) This provision will not apply if the purchaser is an entity which is exempt from tax.

The act authorizes the governing bodies of the City of Peculiar and Blue Springs to seek voter approval for the imposition of a sales tax to fund public safety improvements. The amount of the tax cannot exceed one-half of one percent and will be in addition to all other sales taxes authorized by law.

The City of Grandview is authorized to seek voter approval to levy a sales tax of up to one-half percent to fund public safety improvements for the city. Such improvements may include expenditures on equipment, city employee salaries and benefits, and facilities for police, fire, and emergency medical providers. This provision is identical to SB 164 (2009) and SB 668 (2010).

The City of Waynesville is authorized, upon voter approval, impose a transient guest tax of not more than 3% per room per night for funding a multipurpose conference and convention center. This provision is identical to HB 1388 (2010).

The governing body of a city, town, village or county to submit a proposal to the voters of such city, town village or county allowing the municipality to impose a property tax to fund cemetery maintenance. The tax authorized under this section shall not exceed one fourth of one cent per one hundred dollars assessed valuation and shall not become effective until approved by the voters of the city, town village or county. This provision is similar to SB 168 (2009) and the Perfected Version of SB 822 (2008). It is identical to SB 743 (2010).

The act authorizes Carter County to seek voter approval for a transient guest tax of not more than five percent per occupied room per night. Fifty percent of the tax revenues must be used for law enforcement with the remaining fifty percent to be used to fund tourism.

The City of Raytown is authorized to levy a transient guest tax on charges for sleeping rooms paid by guests of hotels and motels for the purpose of promotion, operation, and development of tourism and

SPONSOR: Jones HANDLER: Nodler

convention facilities. The proposed tax must be submitted to the voters and shall not be greater than five percent per occupied room per night.

The act allows one change of hearing officer for each party to an appeal heard by the state tax commission. A party to an appeal need not show cause to receive a change of hearing officer, but must file a written application to disqualify the assigned hearing officer within thirty days of such assignment. Assignment of a hearing officer will be deemed to have occurred when the first scheduling order is issued by the commission and signed by the hearing officer assigned, unless otherwise stated in the order.

The act contains provisions which are identical to the perfected version of SCS/SB 644.
JASON ZAMKUS

***** HB 1444 *****

SPONSOR: Jones HANDLER: Schmitt

SCS/HB 1444 - For any public meeting where a vote of the governing body is required on issues regarding a tax increase, eminent domain with respect to a retail development project, certain types of improvement or development districts, or tax increment financing, the governing body of such county, city, town or village must give at least four days notice before the entity may vote on such issues. Each such public meeting must include time for public comment. If proper notice is not given, no vote shall be taken until proper notice has been provided. Any legal challenge to the provisions of this section must be brought within thirty days of the subject meeting or such meeting shall be deemed to have been properly noticed and held.

This act is similar to a provision contained in SCS/HCS/HB 316 (2009) and identical to HCS/SB 851 (2010).
JIM ERTLE

***** HB 1472 *****

SPONSOR: Franz HANDLER: Schaefer

HCS#2/HB 1472 - This act adds certain substances to the list of controlled substances.

This act makes certain spice cannabinoids (commonly known as K2 or spice) and 5-MeO-DMT or 5 -methoxy-N,N-dimethyltryptamine, its isomers, salts, and salts of isomers Schedule I controlled substances. Tapentadol and any material, compound, mixture, or preparation which contains any quantity of amyl nitrite or butyl nitrite are added as Schedule II controlled substances. Possession of spice cannabinoids shall be a Class C felony unless the person possesses 35 grams or less, in which case, it shall be a Class A misdemeanor.

This act also adds the following substances to the list of Schedule III controlled substances: 1) Boldione; 2) Dexoxymethyltestosterone, and 3) 19-nor-4,9(10)-androstadienedione. The substance Fospropofol is added to the list of Schedule IV. Lacosamide and Pregabalin are added to Schedule V.

This act contains an emergency clause.

This act has provisions also contained in HCS/SCS/SB 887 (2010).
SUSAN HENDERSON MOORE

***** HB 1498 *****

SPONSOR: Jones HANDLER: Lembke

***** HB 1498 ***** **(Cont'd)**

SPONSOR: Jones HANDLER: Lembke

HCS/HB 1498 - This act modifies Missouri's prompt pay law. The act provides a definition for the term "clean claim." The term clean claim is defined as a claim that has no defect, impropriety, lack of any required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment.

Under the proposed act, the definition of health carrier is modified to include self-insured health plans, to the extent allowed by federal law. Under the act, third-party contractors are also considered health carriers. The act also amends the definition of "request for additional information" to mean a health carrier's electronic or facsimile request for additional information from a claimant which specifies what information is needed in order to process the claim for payment. The act deletes the definition of the term "suspends the claim" and the use of such term in the prompt pay provision.

Under the terms of the act, a health carrier must send an electronic acknowledgment of the date of receipt of an electronically filed claim by a health carrier or a third-party contractor within 48 hours. Within 30 processing days (current law allows 10 working days) after receipt of a filed claim by a health carrier, the carrier must send an electronic or facsimile notice of the status of the claim. The notice shall notify the claimant if the claim is a clean claim or whether the claim requires additional information from the claimant. If the claim is a clean claim, then the health carrier shall pay or deny the claim.

If the health carrier requests additional information, then the health carrier, within 10 processing days (current law is 15 days) must pay the claim, deny the claim, or make a final request for additional information. Within 5 processing days (current law is 15 days) after the day on which the health carrier receives the additional requested information in response to a final request for information, the health carrier shall pay the claim or deny the claim.

The act modifies the interest and penalty provision for failing to promptly pay a claim. Under the proposed act, if the health carrier has not paid the claimant on or before the 45th processing day from the date of the receipt of the claim, the carrier must pay the claimant 1% interest per month (current law) and a penalty in an amount equal to one percent of the claim per day. A health carrier may combine interest payments and make payment once the aggregate amount reaches $100 (current law is $5).

The interest and penalties cease to accrue on the day a petition is filed in court to recover payment on a claim. If a court determines that a health carrier has failed to pay a claim, interest, or penalty without good cause, the court shall enter judgment for attorney fees. If the court determines that a health care provider has filed suit without reasonable grounds to recover a claim, the court shall award the health carrier reasonable attorney fees related to the defense.

Under the terms of the act, any claim for which the health carrier has not communicated a specific reason for the denial shall not be considered denied under the prompt pay statutes. The act also provides that any request by a carrier for additional information shall be reasonable in scope and pertain solely to the carrier's liability.

The act has an effective date of January 1, 2011. This act is similar to SB 636 (2010).
STEPHEN WITTE

***** HB 1516 *****

SPONSOR: Smith HANDLER: Lager

SCS/HCS/HB 1516 - This act repeals provisions that have been superceded by later statutes and provisions with express expiration dates or deadlines that have already passed.
JIM ERTLE

***** HB 1524 *****

SCS/HCS/HBs 1524 & 2260 - This act modifies laws connected to the military forces.

(SECTION 34.074)

This act requires the state and each political subdivision of the state to give a three-point bonus preference to service-disabled veteran businesses when selecting contractors for the performance of any job or service. Currently, the preference for disabled veteran businesses only applies when the quality of performance promised is equal or better and the price quoted is the same or less. This act repeals this requirement. If no, or an insufficient number, of disabled veterans submit a bid or proposal for a contract, the requirement that the Commissioner of Administration have a goal of awarding three percent of all contracts to disabled veterans will not apply.

This provision is similar to HB 2344 (2010).

(SECTION 41.025)

This act recognizes "prisoner of war" and "missing in action" as valid descriptions of casualty status and category classification for military personnel.

This provision is identical to HB 2114 (2010).

(SECTIONS 41.030 & 41.560)

This act defines "primary next of kin" as in order of precedence, a surviving spouse, eldest child, father or mother, eldest brother or sister, or eldest grandchild, for the purposes of the Uniform Code of Military Justice.

Currently, after the death of a military member who has performed meritorious military service, the Governor is authorized to give a meritorious military service medal to surviving relatives in a particular order. The act requires the governor to give the medal to the primary next of kin.

(SECTIONS 41.206 & 41.207)

This act allows the Adjutant General of the Missouri National Guard to establish the Missouri Youth Challenge Academy. This academy will provide residential, military-based training and supervised work experience to at-risk high school age youth. The act creates the Missouri Youth Challenge Fund to fund the academy. The fund consists of gifts, donations, appropriations, transfers and bequests. The adjutant general is given authority to establish rules to administer the Missouri Youth Challenge Academy and to make grants from the fund.

These provisions of the act have an emergency clause.

These provisions are identical to HCS/HB 2262 & 2264 (2010).

(SECTIONS 41.216 & 143.1004)

This act modifies the membership of the panel that administers and establishes the criteria for grants from the Missouri military family relief fund from two command sergeants major to two sergeant majors.

These provisions are similar to HCS/HB 1943 (2010) and SB 876 (2010).

(SECTIONS 41.572, 41.578, 41.582, 41.584, 41.586, & 41.588, SECTION 1 & SECTION 2)

This act authorizes the Governor to present a legion of merit medal to individuals who have exceptionally meritorious conduct in the performance of outstanding military service.

The Adjutant General of the Missouri national guard is authorized to present an Adjutant General staff identification badge to individuals who perform outstandingly on the Adjutant General's staff. The Adjutant General is also authorized to present a Missouri national guard first sergeant ribbon to individuals who have been assigned to a unit first sergeant position for a period of three years, are recommended by their

squadron or company commander, and demonstrated exceptional and honorable leadership.

The Governor is also authorized to present campaign ribbons to individuals who have served in direct support of certain military campaigns, including: Operation Iraqi Freedom, Operation Enduring Freedom, and several operations in Kosovo. The Governor is authorized to present campaign ribbons to members of the Missouri National Guard who served on active duty at any time beginning February 28, 1961 through May 7, 1975.

The Governor is also authorized to present a Governor's unit citation to units, teams, or tasks forces of the Missouri National Guard who served after September 11, 2001 during state emergency duty or federal deployments.

(SECTIONS 115.156, 115.278, 115.279, 115.281, 115.287, 115.291, & 115.292)

The Secretary of State shall establish procedures for overseas voters to request and send voter registration applications and absentee ballot applications by mail and electronically. Overseas voters include absent uniformed services voters, persons residing outside the United States who are qualified to vote in their previous domicile before leaving, those residing outside the United States who would otherwise be qualified to vote in their previous domicile, and persons in federal service.

The Secretary of State shall print and make available a sufficient quantity of absentee ballots, ballot envelopes, and mailing envelopes for such voters.

Absent uniformed services and overseas voters are excused from being required to deliver an affidavit sworn to before the election official receiving the ballot, notary public, or another authorized to administer oaths with the absentee ballot.

Election authorities are barred from refusing valid marked absentee ballots submitted by absent uniformed services and overseas voters solely on the basis of restrictions on envelope type.

The Secretary of State in coordination with the local election authorities shall develop a free access system by which an absent uniformed services and overseas voter may determine whether his or her ballot has been received.

This act removes the requirement that voters must make a statement by federal postcard, letter, or on a form prepared by the local election authority to qualify for a special write-in absentee ballot due to serving in the military or isolation. The special write-in absentee ballot shall be used in place of the Federal write-in absentee ballot in general, special, and primary elections for federal office.

These provisions are similar to SB 845 (2010), HB 1579 (2010), and provisions of SCS/HCS/HB 1966 (2010) and HCS#2/SB 844 (2010).

(SECTION 160.545)

This act modifies the A+ Schools Program. It allows students who are dependents of retired military who relocate to Missouri within one year of the date of the retirement to be exempt from the three year attendance requirement.

This provision is similar to a provision of HCS/HBs 2147 & 2261 (2010) and SCS/HCS#2/HB 1543 (2010).

(SECTION 194.119)

This act modifies the list of individuals authorized to direct the disposition of human remains to include a person designated on a U.S. Department of Defense form, if the person who died was on active duty in the United States military at the time of death.

SPONSOR: Largent HANDLER: Pearce

This provision is identical to HB 1208 (2010).

(SECTION 301.3158)

This act creates the "LEGION OF MERIT" special license plate and allows any person who has been awarded this military service award to apply for it. To obtain the special license plate, a person must make application, furnish proof as a recipient of the Legion of Merit Medal, and pay a $15 fee to the Department of Revenue in addition to the registration fee and any other documents required by law

This provision is identical to HB 1771 (2010), and a provision of HCS/HB 2097 (2010), HCS/SCS/SBs 812, 752, &909 (2010), and SS/SCS/HB 2111 (2010).

(SECTIONS 447.503 & 447.559)

This act requires the state Treasurer's office to hold and maintain military medals that have been delivered by financial institutions to the Treasurer as lost or unclaimed property until the original owner or his or her heirs or beneficiaries can be identified. The Treasurer may designate a veteran's organization or other organization as custodian of medals until the medal can be returned.

These provisions are similar to HB 1745 (2010) and SB 846 (2010).
EMILY KALMER

***** HB 1540 *****

SPONSOR: Lipke

HCS/HB 1540 - This act modifies provisions relating to infractions.

This act makes various motor vehicle violations misdemeanor offenses of varying degrees, rather than infractions.

An infraction shall not constitute a crime and shall not give rise to any disability or legal disadvantage based upon conviction. The judicial procedure followed for infractions shall be the same as that followed for misdemeanors.

Under this act, if a defendant fails to appear in court for an infraction or fails to respond to notice of an infraction from the Central Violations Bureau, the court may issue a default judgment for court costs and fines unless the court finds good cause or excusable neglect for the failure to appear. The default judgment, along with the amount of fines and costs imposed, shall be sent to the defendant by first class mail. The default judgment may be set aside for good cause if the defendant files a motion to have the judgement set aside within 30 days of the mailing. The judgement against the defendant shall include a fine and court costs authorized by law. Under any circumstance, a court may issue a warrant for failure to appear for any infraction violation.

Sections 556.021 and 556.022 shall become effective on January 1, 2012, and contain an emergency clause for certain provisions.

This act is identical to SCS/SB 738 (2010).
SUSAN HENDERSON MOORE

***** HB 1543 *****

SPONSOR: Wallace HANDLER: Pearce

CCS/SS#2/SCS/HCS#2/HB 1543 – This act modifies provisions relating to elementary and secondary education.

SPONSOR: Wallace HANDLER: Pearce

SCHOOL DISCIPLINE POLICIES & REPORTING REQUIREMENTS: Currently, school discipline policies must include a requirement that school administrators report acts of school violence to teachers with a need to know. This act provides that such acts of school violence must be provided to all teachers at the attendance center. Students on suspension for acts of violence or drug-related offenses cannot be within 1,000 feet of school property or any activity of the district without the authorization of the superintendent or unless the student is enrolled in and attending an alternative school. This act expands employee immunity from correctly following discipline policies to all policies.

Current law provides that spanking, when administered by certificated personnel in a reasonable manner, is not abuse. This act provides that the use of reasonable force to protect persons or property, when administered by school district personnel in a reasonable manner, is not abuse, as long as no allegation of sexual misconduct arises and another school employee is present as a witness in the case of spanking.

These provisions are substantially similar to provisions contained in HCS/HB 96 (2009) and SCS/HCS/HB 1722 (2008). (Section 160.261)

CYBERBULLYING & SCHOOL ANTI-BULLYING POLICIES: This act modifies the definition of "bullying" as used in antibullying policies that must be enacted by school districts. The definition of "bullying" shall include cyberbullying and electronic communications.

These provisions are identical to SB 614 (2010), SB 79 (2009) and SB 762 (2008) and are similar to SB 646 (2007). (Section 160.775)

RESOURCE STANDARDS, APPROPRIATIONS & WITHHOLDING OF FUNDS BY THE GOVERNOR: For fiscal years 2011, 2012, and 2013, if the appropriation for the foundation formula and hold harmless school districts is less than the calculation of the amount required for the phase-in of the formula for that fiscal year, or the appropriation for the transportation categorical is funded at a level less than 75% of allowable costs, the Department of Elementary and Secondary Education must not penalize any district undergoing its accreditation review for a failure to meet resource standards under the Missouri School Improvement Program. In addition, if the Governor withholds funds for the school funding formula in fiscal years 2011-2013, any school district undergoing accreditation review in the fiscal year following the year in which withholding occurred will not be penalized for failure to meet resource standards under the Missouri School Improvement Program.

In fiscal years 2011, 2012, and 2013, if the appropriation for the foundation formula and hold harmless school districts is less than the calculation of the amount required for the phase-in of the formula for that fiscal year, or the appropriation for the transportation categorical is funded at a level less than 75% of allowable costs, school districts will be excused from compliance with the requirement to spend funds on professional development and fund placement and expenditure requirements. In addition, if the Governor withholds from the school funding formula in fiscal years 2011-2013, school districts will be excused from these requirements in the following fiscal year.

These provisions are substantially similar to provisions contained in HCS/HB 2053 (2010), HCS/SCS/SB 815 (2010), and HCS/SS/SB 943 (2010). (Sections 161.209 & 163.410)

DRUG TESTING FOR SCHOOL CONSTRUCTION PROJECTS: This act requires the office of administration to issue regulations that require contractors or subcontractors for public works construction projects on public school projects to establish and implement a random drug and alcohol testing program. Any program must be administered by a laboratory duly certified by the us department of health and human services or similar agency. Any program must require notification to the employer and employee of the results of any positive drug and alcohol test. The school district must be notified of the action to protect the safety of the students as a result of a positive test. All costs will be paid for by the employer on

SPONSOR: Wallace HANDLER: Pearce

the public works project. No costs will be paid by the state, any of its agencies, or any political subdivision. (SECTION 161.371)

TECHNICAL CORRECTIONS: In section 161.650, this act removes a statutory reference to section 166.260, which was previously repealed. In section 167.117, this act corrects an intersectional reference. (Sections 161.650 & 167.117)

STUDENT DRESS CODE: Currently, only the St. Louis City school district may require school uniforms. This act allows any school district to require students to wear a school uniform or restrict student dress to a particular style.

These provisions are substantially similar to provisions contained in HCS/HB 96 (2009) and SCS/HCS/HB 1722 (2008). (Section 167.029)

ADMINISTRATION OF MEDICATION OR MEDICAL SERVICES: This act exempts unqualified employees who refuse to administer medication or medical services from disciplinary action. A school district may develop a program to train employees in CPR and other lifesaving methods. Qualified employees are exempted from liability for administering medication or medical services, including CPR and other lifesaving methods, when done in good faith and according to standard medical practices. Students may self-administer medication for chronic conditions. Employees trained and supervised by the school nurse are authorized to use an epinephrine auto-syringe on a student as described in the act. Trained employees administering a prefilled auto syringe are exempt from liability when acting in good faith and according to standard medical practices.

These provisions are substantially similar to provisions contained in HCS/HB 96 (2009) and SCS/HCS/HB 1722 (2008). (Sections 167.621, 167.624, 167.627 & 167.630)

HEARING OFFICER FOR TEACHER REMOVAL HEARINGS IN ST. LOUIS CITY SCHOOL DISTRICT: This act clarifies that a permanent teacher will have the privilege of being present at the teacher removal hearing. In addition, during any time in which a special administrative board governs the st. Louis city school district, the board may appoint a hearing officer to conduct a hearing to remove a permanent teacher. The hearing officer must conduct the hearing according to the procedures outlined in chapter 536 for contested cases. The hearing officer must issue a written recommendation to the school board. The board must then issue a decision based on the recommendation and the record from the hearing.

This provision is identical to a provision contained in HCS/SS/SB 943 (2010) and HCS/SCS/SB 815 (2010). (SECTION 168.221)

CAREER LADDER: This act modifies the Career Ladder program. This act removes the requirement that the General Assembly make an annual appropriation. Beginning in fiscal year 2012, Career Ladder payments will only be made available to local school districts if an appropriation is made. Any state appropriation must be made prospectively in relation to the year in which work under the program is performed. Nothing in this act shall be construed to prohibit a local school district from funding the program for its teachers for work performed in years for which no state appropriation is made available.

In addition, this act removes the variable match portion of Career Ladder. Instead, Career Ladder will be funded by sixty percent local funding and forty percent state funding. The three groups of school districts with variable funding rates are eliminated.

These provisions are identical to provisions contained in SS/SB 943 (2010).

These provisions are identical to provisions contained in HCS/SS/SB 943 (2010) and HB 2245 (2010). (Sections 168.500 and 168.515)

***** HB 1543 ***** **(Cont'd)**

SPONSOR: Wallace HANDLER: Pearce

PARENTS AS TEACHERS: This act removes the prohibition against charging a fee to parents as teachers participants or their parents. Families with children under the age of kindergarten entry will be eligible to receive annual development screenings and parents will be eligible to receive prenatal visits under sections 178.691 to 178.699. Priority for service delivery of approved parent education programs under section 178.691 to 178.699, which includes, but is not limited to, home visits, group meetings, screenings, and service referrals, shall be given to high needs families in accordance with criteria set forth by the department of elementary and secondary education. Local school districts may establish cost sharing strategies to supplement funding for such program services. This will expire on December 31, 2015, unless reauthorized by an act of the general assembly.

This provision is substantially similar to a provision contained in HCS/SCS/SB 815 (2010), HCS/SS/SB 943 (2010), and HB 2245 (2010). (Section 178.697)

Section 163.410 contains an effective date of July 1, 2010, or upon passage or approval, whichever occurs later. (Section B)
MICHAEL RUFF

***** HB 1544 *****

SPONSOR: Fisher HANDLER: Pearce

SCS/HCS/HB 1544 - This act would allow the state to continue to receive extended federal unemployment benefit funds until the week ending 4 weeks before the last week of unemployment for which one hundred percent federal sharing is available under federal law or March 3, 2011, whichever occurs first.

Individuals are allowed to participate in the shared work program for 52 weeks instead of the current cap of 26 weeks during the 12-month period of the shared work plan.

This act contains an emergency clause.
CHRIS HOGERTY

***** HB 1559 *****

SPONSOR: Brown HANDLER: Shields

HB 1559 – Currently, the librarian of a consolidated public library district is required to annually submit a report by August 31 to the library board stating the condition of the library and its services and an independent audit. These items must then be submitted to the county commission, county executive officers, and Missouri State Library Commission by September 30. This act changes the dates to September 30 and October 31, respectively.

This act is similar to SB 919 (2010) and is similar to a provision contained in SS/SCS/HCS/HB 1290 (2010), HCS/SS/SCS/SB 580 (2010), and HCS/SCS/SB 700 (2010).
MICHAEL RUFF

***** HB 1595 *****

SPONSOR: Dugger HANDLER: Purgason

HB 1595 - This act includes construction, extension, and improvement of public roads in the definition of project for the purposes of industrial development corporations.
CHRIS HOGERTY

***** HB 1612 *****

SPONSOR: Molendorp HANDLER: Pearce

SCS/HB 1612 - This act modifies the law relating to sewer districts.

SECTION 204.300 - The act provides that if the county governing body does not appoint a trustee to fill a vacancy on the board of trustees for a common sewer district within 60 days, then the remaining trustees may fill the vacancy.

Under current law, the board of trustees for a common sewer district located in Jackson and Cass counties consists of 8 members. This act increases the membership to 10 by adding 2 additional city mayors on the board.

SECTION 204.472 - Current law allows the City of Poplar Bluff and sewer districts in Butler County to develop agreements to provide sewer service to land annexed by the City. Current law also provides procedures to develop such agreements when the City and a sewer district cannot agree on terms. This act extends the authority to develop such agreements to apply to any city and sewer districts in any county of the third classification and also makes these entities subject to the procedures for when agreement cannot be reached by both parties.

SECTION 204.571 - Under current law, the advisory board for a common sewer subdistrict must elect a chairman, vice-chairman, and a representative to the common sewer district's advisory board. The act allows the same person to serve in more than one of these roles if the subdistrict's advisory board is less than 3 people. The act allows the board of trustees for the common sewer district to appoint advisory board members to the subdistrict's advisory board, if a political subdivision does not fulfill its duty to appoint such advisory board members within 60 days.

SECTION 250.233 - Current law requires water companies and public water supply districts to make water service data available to cities that provide sewer services so that the cities can better calculate rates for service. The act requires the water providers to also make this information available to sewer districts.

The act is similar to TAT/CCS/HCS/SB 791 (2010) and provisions of this act are similar to provisions in SB 850 (2010) and SB 874 (2010).
ERIKA JAQUES

***** HB 1643 *****

SPONSOR: Brown HANDLER: Wilson

HB 1643 - This act allows the Jackson County recorder of deeds to collect a donation of $1, in addition to the fees charged, when recording marriage licenses or birth certificates. The money collected shall be deposited into the Housing Resource Commission Fund to assist homeless families and provide financial assistance to organizations addressing homelessness in the county.

This act allows the Jackson County registrar to collect a donation of $1, in addition to the fees charged, when providing copies of marriage licenses or birth certificates. The money collected shall be deposited into the Housing Resource Commission Fund to assist homeless families and provide financial assistance to organizations addressing homelessness in the county.

This act requires requests for records filed or recorded by the recorder of deeds dated after December 31, 1969 be made to the office of the recorder of deeds in which the record was originally recorded.

Currently, architects, engineers, landscape architects, land surveyors, and corporations registered to do the work of these professions who perform work on buildings or land can have a lien on the building or land. Currently, the fee to record the notice of such a lien is 25 cents, and the fee for copies of such notice is 50 cents. This section states that such notice shall be accompanied by an applicable recording

SPONSOR: Brown HANDLER: Wilson

fee.

Certain provisions of this act are similar to a provision of SB 362 (2009), HB 1959 (2010), HCS/SCS/SB 700 (2010), SS/SCS/HCS/HB 1290 (2010) and SS/SCS/SB 580 (2010).
SUSAN HENDERSON MOORE

***** HB 1654 *****

SPONSOR: Zimmerman HANDLER: Goodman

HB 1654 - This act also changes the requirement that notices of garnishment and writes of sequestration contain the federal taxpayer identification number of a judgment debtor. Only the last four digits of the debtor's federal taxpayer identification number will be required.

This act is identical to a provision of SS/SCS/HB 1609 (2010), SCS/SB 1060 (2010), SCS/HCS#2/HBs 1692, 1209, 1405, 1499, 1535 & 1811 (2010) and similar to a provision of HCS/SB 893 (2010) and HCS/SCS/SB 583 (2010), and SB 985 (2010).
EMILY KALMER

***** HB 1662 *****

SPONSOR: Brown HANDLER: Clemens

HB 1662 - Any animal or bird under investigation by the state veterinarian for carrying a toxin must not be removed from the premises until certain conditions are met. The act gives the state veterinarian the authority to choose the method of eradication of the toxin.

The State Veterinarian may restrict the movement of any animal or bird under investigation for the presence of a toxin. Once an investigation is completed, the animal or bird shall either be allowed to be moved or must be permanently quarantined.

This act is identical to SB 824 (2010) and SB 526 (2009).
ERIKA JAQUES

***** HB 1692 *****

SPONSOR: Smith HANDLER: Cunningham

SS/SCS/HCS#2/HBs 1692, 1209, 1405, 1499, 1535 & 1811 - This act modifies various provisions of law.

DIGITAL CADASTRAL PARCEL MAPPING
(Section 60.670 and 327.272)

This act requires the Office of the State Land Surveyor in the Department of Natural Resources to promulgate rules and regulations establishing minimum standards for digital cadastral parcel mapping. Any map designed and used to reflect legal property descriptions or boundaries for use in a digital cadastral mapping system must comply with such rules, unless the party requesting the map specifies otherwise in writing, the map was designed and in use prior to the promulgation of the rules, or the parties requesting and designing the map already agreed to their contractual terms on the effective date of the rules promulgation.

The practice of land surveying shall include working with positions of the United States Public Land Survey System. It shall also include creating, preparing or modifying electronic or computerized data relative to the performance of certain other surveying activities; however, such acts shall not be exclusive to professional land surveyors unless they affect real property rights.

SPONSOR: Smith HANDLER: Cunningham

This act is identical to SB 621 (2010), SCS/SB 384 (2009), and HB 1830 (2010) and a provision of HCS/SCS/SB 700 (2010) and HCS/SS/SCS/SB 580 (2010).

FINANCING BY MUNICIPALITIES FOR ENERGY IMPROVEMENTS
(67.2800, 67.2805, 67.2810, 67.2815, 67.2820, 67.2825, 67.2830, 67.2835)

These sections create the Property Assessment Clean Energy (PACE) Act.

Municipalities may individually or jointly form clean energy development boards, which shall fund energy projects for property owners within their jurisdictions. Projects shall either reduce energy consumption or create energy from renewable sources. In exchange for receiving the funding for the project, a property owner agrees to pay a special assessment to be collected with his or her property tax for a period not to exceed 20 years.

The agreement between a property owner and a clean energy development board is a covenant that runs with the land and shall be binding upon subsequent owners of the property. Clean energy development boards can establish their own application requirements and project selection criteria and can require energy audits as a prerequisite to funding a project. Boards must submit annual reports to municipality(ies) that created them, with report requirements listed in the act.

Clean energy development boards may issue bonds, and may use the revenue from the sale of the bonds to fund energy efficiency or renewable energy projects.

The director of the department of economic development may allocate any part of the state's residual share of the national qualified energy conservation bond limitation to any state or local government entity.

This act is similar to SCS/SB 1037 (2010), HB 2178 (2010), HB 2298 (2010) and identical to provisions of SCS/HCS/HB 1871 (2010).

MATERIALS RECOVERY AND RECYCLING FACILITY
(Section 171.185)

This act prohibits any school district located in Chesterfield from operating a materials recovery and recycling facility within 500 feet of a residential property.

This section is identical to a provision of the perfected SS/SCS/SB 580 (2010).

ELECTRONIC DEATH REGISTRATION
(Sections 193.145, 193.265)

This act requires all data providers in the death registration process, including the state registrar, local registrars, medical examiners, coroners, or funeral directors to use an electronic death registration system within 6 months of the system being certified by the Department of Health and Senior Services to be operational and available to all data providers in the death registration process.

The state registrar may adopt pilot programs or voluntary electronic death registration programs until such time as the system can be certified. However, no such pilot or voluntary program shall prevent the filing of a death certificate with the local registrar or the ability to obtain certified copies of death certificates under current law until 6 months after the system is certified as operational.

This provision is similar to CCS#2/HCS/SCS/SB 754 (2010) and SCS/SB 975 (2010).

PUBLIC ASSISTANCE BENEFITS
(Section 208.010)

SPONSOR: Smith HANDLER: Cunningham

This act provides that in determining eligibility and the amount of benefits to be granted under federally aided state public assistance programs, the value of any life insurance policy where a seller or provider is made the beneficiary or the policy is assigned to a seller or provider, either being in consideration for an irrevocable prearranged funeral contract under Chapter 436, will not be taken into account or considered an asset of the beneficiary named in the irrevocable prearranged funeral contract.

This provision is identical to a provision of HCS/HB 2388 (2010) and CCS#2/HCS/SCS/SB 754 (2010).

CEMETERIES
(Sections 214.160, 214.270, 214.276, 214.277, 214.282, 214.283, 214.290, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.389, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550)

This act modifies certain laws regarding cemeteries.

It allows county commissions that serve as trustees of funds for cemeteries to invest these funds in certificates of deposit.

Current law allows the Division of Professional Registration to seek an injunction against certain unlicensed cemetery operators in the county in which the conduct occurred or in which the defendant resides. This act eliminates this specific venue provision.

Each contract sold by a cemetery operator for cemetery services and items such as grave lots, markers, and tombstones shall meet certain requirements. If these requirements are not met, the contract is voidable by the purchaser.

Except for family burial grounds, individuals and public and private entities are required to notify the office of endowed care cemeteries of the name, location, and address of real estate used for the burial of human bodies.

Cemetery operators are exempted from the prearranged contract requirements of Chapter 436.

Currently, cemetery operators are required to correct deficiencies in the funding of endowed care trust funds. This act specifies that deficiencies do not include deficiencies caused by the fluctuating value of investments.

The requirements of endowed care trust funds and escrow accounts are modified in several ways. Among other changes, the requirement that a financial institution that serves as the trustee of an endowed care trust be located in Missouri is removed. Cemetery operators must maintain the name and address of the trustee and records custodian and supply the office with this information upon request. The trust records shall be maintained in Missouri, or electronically accessible. Missouri law shall control all endowed care trust funds and such funds will be administered in accordance with certain trust requirements. Endowed care cemetery funds may also be held in an escrow account in Missouri. However, if the funds in the escrow account are over 350,000 dollars, in most cases they must be in an endowed care trust fund. Trustees and escrow agents shall consent in writing to Missouri jurisdiction and the supervision of the office of endowed care cemeteries.

Cemetery operators are required to notify the Division of Professional Registration at least thirty days prior to selling the business assets of the cemetery, or selling a majority of its stock. If the division does not disapprove, the cemetery operator can continue to take such action.

Sellers of prearranged burial merchandise and services are required to deposit a portion of the purchase price in an escrow or trust account. These funds are maintained in this account until delivery of

the property, performance of the services, or the contract is cancelled. These escrow arrangements and trusts must each meet certain requirements. Cemetery prearranged contracts entered into after August 28, 2010, can be cancelled within thirty days of receiving the executed contract for a full refund, and at any time before the services or merchandise are provided, with exceptions, for 80% of the net amount of all payments made into the escrow account or trust.

The division is allowed to direct a trustee, financial institution, or escrow agent to suspend distributions from endowed care trust funds or escrow accounts, if the cemetery operator is not licensed or does not meet certain other requirements, and after the cemetery operator is notified, and given sixty days to correct the violations. The cemetery operator may appeal this suspension.

Several provisions that previously applied to the city of St. Louis and allowed the sale of certain cemeteries owned by the city and applied to cemetery operators who purchased cemeteries from the city are now applied to all cities.

These provisions are identical to provisions of CCS/SCS/HBs 2226, 1826, 1832, &1990 (2010), CCS#2/HCS/SCS/SB 754 (2010), HCS/SB 2388 (2010), and SB 753 (2010), and similar to HB 1845 (2010) and SB 416 (2009).

WATER AND SEWER ASSESSMENTS
(Section 246.310)

Under current law, farmland is provided an exemption under the Farmland Protection Act from being subject to water and sewer district assessments until the property is connected to the water or sewer system. The act specifies that this exemption does not apply to drainage and levee districts.

This section is similar to a provision of SCS/HCS/HB 1316 (2010), and identical to a provision of CCS/HCS/SB 795 (2010), HCS/SS/SCS/SB 580 (2010), HCS/SCS/SB 887 (2010), and HCS/SB 893 (2010).

UNEMPLOYMENT COMPENSATION
(Section 288.034)

This act modifies the requirements for a real estate salesperson or real estate broker to qualify for unemployment compensation. Currently, a real estate salesperson or real estate broker is not considered to be engaged in employment, if at least 80 percent of the remuneration for the services performed is directly related to sales performed pursuant to a written contract and the contract provides that the salesperson or broker is not an employee for federal tax purposes. Under this act, a real estate salesperson or real estate broker is not considered to be engaged in employment, if substantially all of the remuneration for the services performed is directly related to sales or other output, including the performance of services, performed pursuant to a written contract and the contract provides that the salesperson or broker is not an employee for federal tax purposes.

This section is identical to HB 2188 (2010).

TITLE FOR OUTBOARD MOTORS
(Section 306.532)

Effective January 1, 2011, this act requires that a certificate of title for a new outboard motor designate both the year the outboard motor was manufactured and the year the dealer received the outboard motor from the manufacturer.

This section is similar to HB 1323 (2010) and identical to a provision of HCS/SB 893 (2010).

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS, AND LANDSCAPE ARCHITECTS

SPONSOR: Smith HANDLER: Cunningham

(Sections 327.031, 327.041, 327.351, 327.411)

This act adds another professional engineer member to the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. It also allows a landscape architect to be the chairperson of the board. It also gives each member of the landscape architectural division of the board a vote when voting on action pending before the board. Beginning August 28, 2010, the chairperson of the board will rotate sequentially among an architect, professional engineer, professional land surveyor, and landscape architect. The chairperson shall only serve one four year term as chairperson. The chairperson of the landscape architectural division will be a vice chairperson of the board and will be ranking vice chairperson when the chairperson of the board is a landscape architect.

Eight members of the board, including at least one from each division will be required for a quorum for board business. Two voting members of each division of the board will be required for a quorum for division business.

A faculty member at an accredited school with the rank of assistant professor or higher will be regarded as actively practicing landscape architecture, in order to eligible for board membership.

The board will no longer be required to have the advice of the attorney general to summon or subpoena witnesses and documents under hearing or investigation.

Licensees are required to either prepare or personally provide direct and immediate supervision over the preparation of all documents sealed by the licensee. Licensees are also specifically required to only perform those architectural, professional engineering, professional land surveying, and landscape architectural services as they are qualified by education, training, and experience to perform.

Also, professional land surveyors with inactive licenses may continue to use the title "professional land surveyor" or the initials "PLS" after their name.

This act is similar to CCS/SCS/HBs 2226, 1826, 1832 & 1990 (2010), HCS/SCS/SB 754 (2010), HB 1639 (2010), HCS/HB 2388 (2010), and SB 298 (2009).

REAL ESTATE BROKERS AND REAL ESTATE SALESPERSONS
(Sections 339.010, 339.020, 339.030, 339.040, 339.080, 339.110, 339.160, 339.170, 339.710, 339.845)

This act modifies the definition of real estate broker and real estate salesperson for the purposes of licensing. The definition of a real estate broker now also includes limited partnership, limited liability company, and professional corporation. The definition of a real estate salesperson now also includes a partnership, limited partnership, limited liability corporation, association, professional corporation, or corporation. This act also creates a new category of license for a real estate broker-salesperson. A real estate broker-salesperson is required to have a real estate broker license in good standing, but may not also operate as a real estate broker.

If the real estate commission receives a notice of delinquent taxes from the director of revenue regarding a real estate broker or salesperson, the commission is required to immediately send a copy of the notice to the real estate broker with which the real estate broker or salesperson is associated.

These provisions are similar to provisions of CCS#2/HCS/SCS/SB 754 (2010) and HCS/HB 2388 (2010).

BOAT SLIPS
(Section 339.503)
This act creates a definition for "boat slip" or "watercraft slip" for the purposes of real estate appraisers,

establishing that such object is a part of a boat dock serving a common interest community and thus, real property.

This provision is identical to a provision of HCS/SCS/SB 777 (2010) and SCS/HCS/HB 1446 (2010).

APPRAISAL MANAGEMENT COMPANIES
(Sections 339.1100, 339.1105, 339.1110, 339.1115, 339.1120, 339.1125, 339.1130, 339.1135, 339.1140, 339.1145, 339.1150, 339.1155, 339.1160, 339.1170, 339.1175, 339.1180, 339.1185, 339.1190, 339.1200, 339.1205, 339.1210, 339.1215, 339.1220, 339.1230, 339.1235, 339.1240)

This act requires appraisal management companies to register with the Missouri Real Estate Appraisers Commission. This registration is valid for two years.

Applicants for registration must provide contact information for any individual or entity that owns ten percent or more of the company, pay a fee, post a $20,000 bond with the commission, complete an irrevocable Uniform Consent to Service of Process, and make certain certifications regarding their business processes.

A person or entity that has had a license disciplined or denied in any state is prohibited from owning more than ten percent of an appraisal management company, in order for the company to be registered in Missouri.

Appraisal management companies are required to designate a compliance manager who, among other requirements, must submit to a background check.

Appraisal management companies are prohibited from employing, contracting, or entering into another business relationship with any person or entity who has had an appraiser license disciplined or denied in Missouri or any other state.

Letters of engagement from appraisal management companies are required to instruct appraisers to decline the assignment if the appraiser is not geographically competent or the assignment is outside the appraiser's scope of practice restrictions.

Appraisal management companies are required to certify twice a year to the commission that the company has systems in place to verify that: any individual added to the appraiser panel of the company has as license in good standing, any individual to whom the company makes an appraisal assignment has not been refused a license or certification or had their license or certification disciplined, appraisal reviews are performed to that the appraisals are conducted according to Uniform Standards of Professional Appraisal Practice. The company is also required to certify that it maintains a detailed record of each service request for appraisal services.

All appraisal management company records are required to be retained for five years.

Appraisal management companies are required to separate out the fees the appraiser charged for the appraisal and the fees the company charged for managing the appraisal process on their statements to their clients.

Appraisal management companies are prohibited from influencing appraisals through coercion, compensation, instruction, and several other means. These companies are also prohibited from requiring appraisers to modify reports, prepare certain reports, prepare reports under a short time frame, structuring an appraiser's fee based on a loan closing or achieving a certain dollar amount appraisal.

Appraisal management companies are required to pay appraisers within thirty days from the completion of an appraisal assignment, except in cases of breach of contract or substandard performance

of services.

The real estate appraisers commission is required to issue a unique registration number to each appraisal management company. The company is required to put this number on each engagement letter for real estate appraisal assignments in Missouri.

Appraisal management companies are not allowed to remove an appraiser from its appraisal panel without written notice to the appraiser and providing the appraiser an opportunity to respond. If an appraiser is removed from the panel for certain conduct, the appraiser can seek review from the real estate appraisers commission. After notice and opportunity for a hearing, the commission may order the appraiser added to the company's panel.

The commission is authorized to discipline the registration of an appraisal management company, or impose civil penalties, not to exceed $1,000 for each offense, with a maximum penalty of $10,000.

These sections are similar to a provision of HCS/SB 991 & 645 (2010) and to HCS/HB 2152 (2010).

MECHANIC'S LIENS
(Section 429.016)

This act modifies the law relating to mechanic's liens against residential real property.

Those seeking to preserve the right to assert a mechanic's lien against residential real property, shall record a notice of rights in the office of the recorder of deeds for the county in which the property is located not less than 5 days prior to the intended closing date as stated in a notice of intended sale. A claimant accurately identified in a previously recorded notice of rights shall not be required to record a notice of rights. Those failing to record notice shall waive their right to assert a claim. A notice of rights filed after the owner's conveyance of the property to a bona fide purchaser for value shall not preserve the filer's rights to assert a claim. The act contains the form of notice to be used.

The recorder of deeds shall record the notice in the land records whereby the owners shall be designated "grantors" and claimants shall be designated "grantees". The grantee's signature shall not be required for recording.

If the record title owner has contracted with a claimant to perform work on the property to facilitate a sale, the owner shall record a notice of intended sale in the office of the recorder of deeds no less than 45 days prior to the earliest date the owner intends to close on the sale of the property. The notice shall state the intended date of closing.

The owner's recording of a notice of intended sale is a condition precedent to a claimant's obligation to record a notice of rights in order to retain mechanic's lien rights. The owner shall post a copy of the notice of intended sale at the property.

The owner shall provide a claimant with a copy of the notice of pending sale and a legal description within 5 days after the date of the owner receives a request from the claimant to do so. A claimant shall then provide any entity with which it has contracted the same notice within 10 days of a request.

Owners failing to record or disclose shall be liable for the claimant's actual and reasonable costs, including attorney's fees to obtain a legal description of the property. Owner's failure to deliver the information shall not affect the claimant's obligation to record a notice of rights.

Owners shall not be liable for error in the content of its disclosures. If the claimant relies in good faith upon the legal description provided by the owner, the notice shall comply and the rights to assert a lien shall be retained.

Currently, mechanic's lien claimants are required to file a just and true account of the demand due under section 429.080 when filing a lien. This act enumerates the items that shall be required to satisfy that requirement with respect to liens against residential real property.

Those wishing to have one's property released from a mechanic's lien may do so by depositing a sum, to act as substitute collateral for the lien, in an amount not less than 150% of the lien with the circuit clerk and record a certificate of deposit with the circuit clerk that includes a listing of the sum deposited, the name of the claimant; the number assigned to the lien; the amount being released; the legal description of the property; the name, address, and property interest of the person making the deposit; and a certification that the person has mailed a copy of the certificate of deposit to the claimant. Upon release of the property from the lien, by depositing the substitute collateral, the claimant's rights are transferred from the residential real property to the substitute collateral.

Requirements for valid, unconditional, final lien waivers for residential real property are enumerated and the form supplied. Such waivers are valid notwithstanding the claimant's failure to receive any promised payment or other consideration.

Claimants who have recorded a notice of rights and who have been paid in full for the work performed shall timely execute an unconditional, final mechanic's lien waiver.

This provision is identical to SS/SCS/HCS/HB 2058 (2010), and similar to SS/SCS/HB 1609 (2010), HCS/SB 893 (2010), SB 934 (2010), and SB 935 (2010).

TENANTS' LIABILITY FOR RENT
(Section 441.645)

Under the terms of this section, a tenant is not liable for rent payments during the remainder of the term of a lease agreement when his or her residence is destroyed by an act of God or other natural or man-made disaster, provided the tenant was not the cause of the disaster.

This section is identical to HB 1401 (2010), HCS/SB 262 (2009), HB 171 (2009), and HCS/HB 187 & 235 (2009).

CHILD SUPPORT
(Section 452.340, 454.475, 454.517, 454.557, 454.1003)

This act modifies provisions relating to child support.

Under this act, child support obligations may be terminated in the automated child support system when support is deemed terminated under state law. This act allows child support to be terminated if the state case registry indicates that the child is twenty-one years old and the support order does not require further payment. The act also allows for a hearing regarding a child's emancipation when it is disputed by the parties, rather than treating the dispute as a motion to modify the support obligation.

This act specifies that affidavits shall be filed with the court for judicial orders and with the family support division for administrative orders.

This act requires the family support division to advise the obligor of the procedures to contest a lien placed, by the family support division, on workers' compensation benefits on the grounds that such lien is a mistake of fact. The obligor shall request a hearing within 30 days of the mailing of the notice. The certified copy of the court order and the sworn or certified statement of arrearages shall constitute prima facie evidence that the division's order is valid and enforceable. If prima facie evidence is established, the obligor may only assert mistake of fact as a defense. The obligor shall have the burden of proof on such issues.

SPONSOR: Smith HANDLER: Cunningham

These provisions are identical to SB 877(2010) and HB 2374 (2010) and similar to provisions of SCS/SB 1060 (2010).

COURT RECORDS
(Section 452.430)

Currently, any pleadings other than interlocutory or final judgments in divorce or legal separation cases filed prior to August 28, 2009, shall only be inspected by the parties, an attorney of record, upon order of the court, or in certain circumstances by the Family Support Division of DSS. The clerk is required to redact social security numbers from any judgment or pleading before releasing them to the public. This act modifies these requirements, so that they also apply to pleadings in modification proceedings filed prior to August 28, 2009 and so that the attorney general or his or her designee and licensed title insurers or their designees, will also be allowed to inspect the pleadings in these cases. Pleadings and filings in divorce, legal separation, or modification proceeding that are more than 72 years old may be made available to any person. Those people who are authorized to inspect the pleadings in these cases may also receive or make copies of documents without the clerk being required to redact the Social Security number, unless the court specifically orders the clerk to do otherwise. Also, the clerk will no longer be required to redact the Social Security number from pleadings from cases prior to August 28, 2009, but only from any copy of a judgment or satisfaction of judgment.

This section has an emergency clause.

This section is identical to a provision of SS/SCS/HB 1609 (2010) and similar to a provision of HCS/SCS/SB 583 (2010), HCS/SB 893 (2010), SCS/SB 1060 (2010), SB 985 (2010), HB 1908 (2010), and HB 2046 (2010).

FUNDS FOR COURTROOM RENOVATION AND TECHNOLOGY ENHANCEMENT
(Section 488.429)

This section would allow all counties to use a certain court fee for courtroom renovation and technology enhancement. Currently, judges in Clay County, Jackson County, Greene County, St. Louis City, St. Louis County, and Platte County are restricted from using this fee for such purposes.

This section is identical to SB 767 (2010).

PUBLICATIONS IN NEWSPAPERS
(Section 493.055)

This section requires all public advertisements and orders of publication required by law, including amendments to the Missouri Constitution, legal publications affecting sales of real estate under a power of sale in a mortgage or deed of trust, and other legal publications affecting the title to real estate to be published in the newspaper.

ACTIONS FOR PRIVATE NUISANCE
(Section 537.296)

Currently, if any party in a private nuisance case where the amount in controversy exceeds one million dollars requests the court or jury visit the property alleged to be affected by the nuisance, the court or jury is required to visit the property. This act rewords this requirement.

This section is identical to SS/SCS/HB 1609 (2010).

FIREARMS

SPONSOR: Smith HANDLER: Cunningham

(Sections 563.011, 563.031, 571.070, 571.104, 571.107)

This act specifies that an individual, who owns or leases private property and is claiming a justification of using protective force, may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter the property.

The owner or lessor of private property does not have a duty to retreat from such property.

Currently, a person may use deadly force against a person who unlawfully enters, remains after unlawfully entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such person. Under this act, if a defendant asserts the use of this type of force, the burden shall then be on the state to prove beyond a reasonable doubt that the defendant did not reasonably believe that the use of such force was necessary to defend against what he or she reasonably believed was the use of imminent use of unlawful force.

Currently, a person commits the crime of unlawful possession of a firearm if he or she is a convicted felon possessing a firearm. This act would allow such persons to possess antique firearms.

To process a change of address for a concealed carry endorsement, the sheriff of the new jurisdiction may charge a fee of not more than $10. Also, a sheriff may charge a fee of not more than $10 to change the name on an endorsement.

This act allows prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required to obtain a conceal carry endorsement to carry a concealed firearm in a courthouse.

These sections are similar to SB 1005 (2010), HB 1787 (2010), a provision of SCS/HB 1802 (2010), and a provision of SS/SCS/HB 1609 (2010).

UNLAWFUL USE OF A WEAPON

(Section 571.030)

This act exempts prosecuting attorneys, assistant prosecuting attorneys, circuit attorneys, and assistant circuit attorneys who have completed the firearms safety training course required to obtain a conceal carry endorsement, from certain otherwise unlawful uses of a weapon. Such acts include the general prohibition against carrying a concealed firearm without an endorsement, shooting into a dwelling, exhibiting a weapon in a threatening manner, discharging a firearm within 100 yards of a school, courthouse, or church, discharging a firearm along a highway, carrying a firearm into a church or election precinct, discharging a firearm at or from a vehicle at a person, and carrying a firearm into a school.

This exemption is identical to the exception for peace officers, jailers, members of the military, members of the judiciary, persons executing process, probation and parole officers, corporate security advisors, and coroners. Any of the otherwise unlawful uses of a weapon performed under these provisions must be reasonably associated with or necessary to fulfill the person's official duties in order to be exempted.

Under this act, it an unlawful use of a weapon if a person has a firearm readily capable of lethal use on his or her person, while he or she is intoxicated, and handles or otherwise uses such firearm in a negligent or unlawful manner or discharges such firearm. Currently, it is unlawful if a person possesses or discharges the firearm while intoxicated.

This provision is similar to SS/SCS/HB 1609 (2010), SCS/SB 740 (2010) and HB 1308 (2010).

EMILY KALMER

***** HB 1695 *****

SPONSOR: Stevenson HANDLER: Schaefer

SS/SCS/HCS/HBs 1695, 1742 & 1674 - This act relates to intoxication-related traffic offenses.

SECTION 302.309

A DWI court may grant a limited driving privilege to individuals who would otherwise be ineligible for such privilege. The DWI docket or court shall not grant a limited driving privilege to a participant during his or her initial forty-five days of participation.

SECTION 302.750

Currently, if a person who holds a commercial driver's license refuses to submit to a chemical test, then none shall be given. Under this act, the provision stating that no test shall be given under such circumstances is removed.

SECTIONS 478.001, 478.003, 478.007, & 478.009

This act specifies that any circuit court, or the county municipal court of Jackson County, may establish a docket or court to dispose of cases where a person has pleaded guilty to driving while intoxicated or driving with excessive blood alcohol content. A person is eligible for this docket or court if he or she operated a motor vehicle with at least .15 blood alcohol content, has had a previous conviction for an intoxication-related traffic offense, or has two or more previous alcohol-related enforcement contacts.

The court may assess any and all necessary costs for participation in DWI court against the participant. Any money received from such assessed costs by the court shall not be considered court costs, charges, or fines.

DWI courts may operate in conjunction with drug courts and drug court commissioners may preside over DWI courts.

SECTION 479.170

Any offense involving the operation of a vehicle in an intoxicated condition shall not be cognizable in municipal court, if the defendant has been convicted of two or more previous intoxicated-related traffic offenses or has had two or more previous alcohol-related enforcement contacts.

SECTION 542.276

The application or execution of a search warrant shall not be deemed invalid for the sole reason it relied upon electronic signatures of the officer or prosecutor seeking the warrant or the judge issuing the warrant.

SECTION 577.005

Each law enforcement agency shall adopt a policy requiring arrest information to be forwarded to the highway patrol central repository for intoxication-related traffic offenses and shall certify adoption of such policy when applying for grants administered by the department of public safety (DPS). Each county prosecuting attorney and municipal prosecutor shall adopt a policy requiring charge information for intoxication-related traffic offenses to be forwarded to such central repository and to certify such policy with DPS.

Effective January 1, 2011, the highway patrol shall, based on the data submitted, maintain regular accountability reports of intoxication-related traffic offense arrests, charges, and dispositions.

SECTION 577.006

Municipal judges shall receive instruction on intoxication-related traffic offenses including a review of state laws on intoxication-related traffic offenses, including jurisdiction issues relating to such offenses, reporting requirements, and required assessment under the substance abuse traffic offender program (SATOP). Each municipal judge shall adopt a written policy requiring court personnel to report all dispositions for all charges for intoxication-related traffic offenses to the highway patrol central repository. Each municipal court must provide a copy of its policy to the office of state courts administrator (OSCA) and the highway patrol. OSCA may create a model policy.

SPONSOR: Stevenson HANDLER: Schaefer

Each municipal court shall prepare a report every six months to be submitted to the circuit court en banc regarding the number and disposition of intoxication-related traffic offenses.

SECTION 577.010 and 577.012

In a circuit where a DWI court or docket is created or other court-ordered treatment program is available, no person who operated a motor vehicle with .15 or more BAC shall be granted a suspended imposition of sentence (SIS) for driving while intoxicated or driving with an excessive BAC, unless such person successfully completes a DWI court or docket program or other court-ordered treatment program.

If a person is not granted a SIS for the reasons described above, for such first offense: 1) if the person operates a vehicle with a BAC of .15-.20, the required term of imprisonment shall be not less than 48 hours. If the individual operated the vehicle with a BAC of more than .20, the required term of imprisonment is not less than five days.

SECTION 577.023

The minimum jail time for a person who has a prior intoxication-related traffic offense is increased from five to ten days, unless the person participates in and successfully completes the existing community service option, or in a DWI court program or other court-ordered treatment program, if available. The minimum jail time for a person who is considered a persistent offender is increased from ten to thirty days, unless the person participates in and successfully completes the existing community service option, or in a DWI court program or other court-ordered treatment program, if available.

SECTION 577.039

This act removes the provision requiring a DWI arrest without a warrant to occur within 90 minutes after the alleged violation occurred.

SECTION 577.041

Currently, if a person refuses to submit to a chemical test when arrested or stopped for alleged driving while intoxicated, then none shall be given. Under this act, the provision stating that no test shall be given under such circumstances is removed.

SECTION 577.054

Currently, a person with one misdemeanor alcohol-related driving offense may have his or her record expunged after ten years. This section specifies that the person cannot have a subsequent alcohol-related driving offense on his or her record, regardless of whether it was in the ten-year period prior to the date of application, in order to be able to have his or her record expunged. The person cannot have another alcohol-related driving charge or enforcement action pending at the time of the hearing on the application.

SUSAN HENDERSON MOORE

***** HB 1741 *****

SPONSOR: Pratt HANDLER: Goodman

HB 1741 - This act allows actions required to be taken at corporate committee meetings to be taken without a meeting if all of the board or committee members consent by electronic transmission. Such transmissions shall be filed with the minutes of the corporate meetings.

This act is identical to SB 833 (2010).

CHRIS HOGERTY

***** HB 1750 *****

SPONSOR: Jones HANDLER: Griesheimer

***** HB 1750 ***** **(Cont'd)**

SPONSOR: Jones HANDLER: Griesheimer

SS/SCS/HCS/HB 1750 - The act requires incumbent local exchange telecommunications companies (ILECs) to reduce their intrastate exchange access rates by 6% of the difference between their intrastate and interstate rates each year for 3 years. Small ILECs are exempt from this requirement and certain rural alternative local exchange telecommunications companies are exempt from this requirement in exchanges where they served lines as of December 31, 2009. The first rate reduction must occur by March 1, 2011 and the next 2 reductions by March 1st of each subsequent year thereafter. Any company whose intrastate rates are impacted by the act must report to a House and Senate standing committee each January following a rate reduction with information about consumer service, infrastructure build-out, financial impact of the rate reductions on the company, and other non-proprietary matters as requested by the committee chairpersons.

This act is similar to SS/SCS/SB 698 (2010).
ERIKA JAQUES

***** HB 1764 *****

SPONSOR: Diehl HANDLER: Rupp

SS/SCS/HCS/HB 1764 - This act modifies provisions relating to insurance.

FREEDOM OF CHOICE IN HEALTH CARE

This act provides that no law shall compel a patient, employer, or health care provider to participate in any government or privately run health care system, nor prohibit a patient or employer from paying directly for legal health care services.

This act does not affect laws or regulations in effect as of January 1, 2010, affect which health care services a health care provider is required to perform, affect which health care services are provided by law, or prohibit care provided under worker's compensation (section 1.330). This provision is substantially similar to SS/SCS/SJR 25 (2010).

LIQUIDATION OF CERTAIN DOMESTIC FINANCIAL INSURANCE COMPANIES

Under this act, a domestic insurer organized as a stock insurance company may voluntarily dissolve and liquidate provided that the director of the Department of Insurance approves the articles of dissolution prior to the insurer's filing of such articles with the Secretary of State and the insurer files with the Secretary of State a copy of the director's approval, certified by the director, along with articles of dissolution.

In determining whether to approve the articles of dissolution, the director shall consider, among other factors, whether:

1) The insurer's annual financial statements filed with the director show no written insurance premiums for 5 years;

2) The insurer has demonstrated that all policyholder claims have been satisfied or have been transferred to another insurer in a transaction approved by the director; and

3) A market conduct examination of the insurer has been completed within the last 5 years (section 375.1175).

This provision is identical the one contained in SCS/SB 834 and the truly agreed to version of SB 583 (2010).

This act has a referendum clause and proposed ballot language.
STEPHEN WITTE

***** HB 1806 *****

SPONSOR: Franz HANDLER: Goodman

SS/HCS/HB 1806 - This act increases the assessed valuation a county must maintain in order to move into a higher classification. The assessed valuation for counties of the first classification is increased from $600 million to $900 million. The assessed valuation for counties of the second classification is increased from $450 million to $600 million. All counties with an assessed valuation of less than $600 million will be counties of the third classification. However, counties of the second classification, which on August 28, 2010 have had an assessed valuation of at least $600 million for at least one year may, by resolution, instead choose to be a county of the first classification.

The required assessed valuation for each classification shall be increased annually by an amount equal to any percentage change in the annual average of the consumer price index for all urban consumers or zero, whichever is greater. The state tax commission shall calculate and publish this amount so that it is available to all counties.

This act specifies that county classification changes shall become effective as provided for under Section 48.030.

The governing body of a municipality may annex a parcel of land within a research, development, or office park, as defined in Section 172.273 that is compact and contiguous to the existing municipal boundaries if the municipality receives the written consent of all the property owners within the area.

The city of Byrnes Mill shall not annex any territory adjacent to the city if the adjacent territory proposed for annexation does not contain any registered voters unless the city has obtained the written consent of all the property owners within such territory.

This act contains an emergency clause.

This act is similar to SB 455 (2009), HB 2172 (2010), SS/SCS/HCS/HB 1290 (2010), HB 2312 (2010), HB 1562 (2010), HB 2466 (2010), HCS/SS/SCS/SB 580 (2010), HCS/SCS/SB 700 (2010), and HCS/SCS/SB 887 (2010), and CCS/HCS/SS/SCS/SB 605 (2010).
SUSAN HENDERSON MOORE

***** HB 1831 *****

SPONSOR: Jones HANDLER: Stouffer

SCS/HCS/HB 1831 – This act allows the school board of a school district that has acquired real property by donation, after ten years from the date of the donation, to sell the property as surplus provided the school board first offers to return the property to the previous owner. Should the previous owner refuse the return of the property, the school board may then sell the property as surplus.
MICHAEL RUFF

***** HB 1840 *****

SPONSOR: Wright HANDLER: Mayer

HCS/HB 1840 - The act specifies that the individuals representing an "end user" and "handler" on the Rice Advisory Council shall not be rice producers and shall be employed as or by an end user or handler. A person in the business of buying rice may also be considered a "handler."

The act creates the Missouri Rice Certification Fund, in which fees shall be deposited that are collected under the Missouri Rice Certification Act. The Department of Agriculture must administer the fund.
ERIKA JAQUES

***** HB 1848 *****

SPONSOR: Holsman HANDLER: Justus

SS/HCS/HB 1848 - The act creates the Joint Committee on Urban Farming. The committee shall be made up of 10 members, with 5 from the Senate and 5 from the House of Representatives. The committee shall meet within 30 days after it becomes effective.

The committee is charged with studying and making recommendations regarding the impact of urban farm cooperatives, vertical farming, and sustainable living communities in the state. In its study, the committee must examine trends in urban farming, existing resources and capacity for urban farming, the impact of urban farming on the community, and any needed state legislation or policies. The committee must hold meetings in at least 3 urban areas to seek public input and must submit its findings to the Governor and General Assembly by December 31, 2010.

The act creates a subcommittee to meet in advance of the committee's meetings, with representation specified.

The provisions of the act expire on January 1, 2011.
ERIKA JAQUES

***** HB 1858 *****

SPONSOR: Zimmerman HANDLER: Shoemyer

SCS/HCS/HB 1858 – This act transfers the administration of the Minority Teaching Scholarship from the Department of Elementary and Secondary Education to the Department of Higher Education. (Section 161.415)

This act transfers the administration of the Minority and Underrepresented Environmental Literacy Program from the Department of Natural Resources to the Department of Higher Education. Scholarships will be administered by the Department Recruitment and Retention Program. In addition, the Minority Environmental Literacy Advisory Committee will be chaired by the Commissioner of Higher Education, instead of the Director of the Department of Natural Resources. The Director, or his or her designee, will serve as a member of the committee. (Section 173.240)

This act is identical to the perfected version of SCS/SB 963 (2010).
MICHAEL RUFF

***** HB 1868 *****

SPONSOR: Scharnhorst HANDLER: Shields

CCS/SCS/HB 1868 - This act modifies provisions relating to duties of agencies and officials operating within the executive branch.

STATE RECORDS COMMISSION

The act removes the Director of the Forms Management Unit from being a voting member of the State Records Commission and replaces the director with the Commissioner of the Office of Administration, or his or her authorized representative.

DOME KEY

The commissioner of the Office of Administration shall provide each senator and representative with a key that accesses the dome of the state capitol. The President Pro Tem of the Senate and the Speaker of the House of Representatives shall be responsible for providing a training program for the members and staff of the General Assembly regarding access to secured areas of the capitol building.

This provision is similar to SB 600 (2010) and a provision in CCS/HCS/SB 844 (2010).

SPONSOR: Scharnhorst HANDLER: Shields

WATER PATROL

Effective January 1, 2011, the act transfers all powers, duties and functions of the State Water Patrol to the newly created Division of Water Patrol within the State Highway Patrol. The superintendent of the Highway Patrol shall appoint a director of the Division of Water Patrol and may assign highway patrol members to serve in the division on a permanent or temporary basis. Current employees of the state Water Patrol who are transferred to the newly created division shall not become members of the Highways and Transportation Employees' and Highway Patrol Retirement System unless they elect to transfer membership. The act increases the number of captains, lieutenants, and officers that the superintendent of the Highway Patrol may appoint. The county sheriff shall participate in serving a search warrant requested by the water patrol division, except for offenses related to boating while intoxicated or investigation of vessel accidents.

These provisions are similar to SS/SB 1057 (2010).

PERSONNEL ADVISORY BOARD

This act transfers the hearing of all merit system employee appeals from the Personnel Advisory Board to the Administrative Hearing Commission (AHC) and increases the number of administrative hearing commissioners from three to five. The act also shortens the time period for filing an appeal with the AHC from 30 to 15 days for persons who have taken an exam for a merit system job and felt they were dealt with unfairly and persons who were removed from the merit system job registry.

These provisions are similar to SS/SB 1057 (2010).

STATEWIDE ELECTED OFFICIAL CONTRACTS

Statewide elected officials may request the Office of Administration to determine the lowest and best bidder with respect to purchasing, printing, and services expenditures for which the official has the authority to contract. Upon such request, the Office of Administration shall have 45 days to respond by naming the lowest and best bid.

This provision is identical to SB 844 (2010).

OFFICE OF ADMINISTRATION BIDDING

In any contract for purchases not subject to competitive bid processes, the Office of Administration shall not prevent any department, office, board, commission, bureau, institution, political subdivision, or any other agency of the state from purchasing supplies from an authorized General Services Administration vendor.

JOINT COMMITTEE ON THE REDUCTION AND REORGANIZATION OF PROGRAMS WITHIN STATE GOVERNMENT

The act creates the Joint Committee on the Reduction and Reorganization of Programs within State Government. The committee shall be composed of members of the general assembly, the commissioner of the office of administration, a representative of the governor's office, and a member of the supreme court. The committee shall study programs within every department that should be eliminated, reduced or combined with another program or programs. The committee shall issue a report to the general assembly by December 31, 2010.

The provisions of this section contain an emergency clause and shall expire on January 1, 2011.

This provision is similar to SB 1065 (2010).

OVERSIGHT DIVISION OF COMMITTEE ON LEGISLATIVE RESEARCH

Every employee of the Oversight Division of the Committee on Legislative Research is required to take

SPONSOR: Scharnhorst HANDLER: Shields

an oath to support the Missouri Constitution, to faithfully demean himself or herself in office, to not disclose confidential information, and to not accept any gifts or emoluments for discharging their official duties, other than their official compensation. Any employee who violates this act is guilty of a Class a misdemeanor.

This provision is identical to SB 458 (2009).

INFORMATION TECHNOLOGY PURCHASES

State departments may purchase information technology products and services of less than $75,000 if the length of the contract is less than twelve months, the department complies with certain informal methods of procurement, and certain notice requirements are met.

MO HEALTHNET THIRD PARTY PAYERS/SUBROGATION

Under this act any third party payer, such as third party administrators, administrative service organizations, health benefit plans and pharmacy benefits managers, shall process and pay all properly submitted MO HealthNet subrogation claims using standard electronic transactions or paper claims forms for a period of three years from the date services were provided or rendered. However, such third party payers shall not:

(1) Be required to reimburse for items or services which are not covered under MO HealthNet;

(2) Deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(3) Be required to reimburse for items or services for which a claim was previously submitted to the third party payer by the health care provider or the participant and the claim was properly denied by the third party payer for procedural reasons, except for timely filing, type or format failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(4) Be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim form for subrogation has been filed.

Such third party payers shall reimburse for items or services to the extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it has been properly billed at the point of sale. The MO HealthNet Division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state.

This provision is identical to provisions in CCS/HCS/SS/SCS/SB 1007 (2010), CCS/SCS/HB 2226 (2010), and substantially similar to SB 799 (2010), SB 809 (2010) and SB 552 (2009). This provision is also contained in the truly agreed to version of SB 583 (2010).

DEPARTMENT OF MENTAL HEALTH CONTRACTS

The Department of Mental Health shall cooperate and may directly contract with all state agencies, local units of government, any of the governor's advisory councils or commissions and with the Missouri Mental Health Foundation in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse.

This provision is similar to SB 1065 (2010).

JIM ERTLE

***** HB 1892 *****

SPONSOR: Nasheed HANDLER: Cunningham

***** HB 1892 ***** **(Cont'd)**

SPONSOR: Nasheed HANDLER: Cunningham

SCS/HB 1892 – Current law provides that a work certificate for a child under the age of sixteen must be issued by or under the direction of the school superintendent of the school district in which the child resides. This act allows work certificates to be issued by: the chief executive officer of a charter school to a child attending the school, a person holding a student services certificate authorized by the school superintendent or chief executive officer in writing; and the principal of a public or private school may issue, or designate another administrator to issue, work certificates to children who attend the school. In addition, any student solely enrolled in a course of education for which the parent, guardian, or designated private tutor is the student's primary education provider and is also the primary individual responsible for the student's education program and schedule can be issued a work certificate by such primary education provider.

To issue a work certificate, a principal must provide a self-certification that he or she understands the legal requirements for issuance. The principal must issue a copy of any work certificate to the superintendent of the school district. The superintendent may revoke a work certificate issued by a principal located within the school district, as described in the act. The school superintendent or chief executive officer may authorize, in writing, another person to issue work certificates during times in which the superintendent is absent.

Any hour limitations imposed on work certificates issued under this act must be based on the school calendar of the school the child attends.
MICHAEL RUFF

***** HB 1893 *****

SPONSOR: Kelly HANDLER: Schaefer

SS#2/HCS/HB 1893 - Currently, the laws regarding the distribution of gaming funds contain provisions that govern the administration of early childhood education and veterans' programs which are supported by gaming moneys. This act removes such provisions from the gaming fund provisions and places them in the statutes that apply to veterans (Chapter 42, RSMo) and to education (Chapter 161) and requires that funds be made available for service officer training for outreach programs between veteran service organizations and the Missouri Veterans Commission and adds the Vietnam War to the list of conflicts for which service medals are awarded.

The act repeals an obsolete subsection that describes how distributions were made in Fiscal Year 1998. Subject to appropriations, the Veterans' Commission Capital Improvement Trust Fund and the Early Childhood Development Education Care Fund will each receive an additional $600,000 per year beginning Fiscal year 2011, if the Gaming Commission Fund reaches the 2009 appropriation level for early childhood education with any additional moneys to be deposited into the Early Childhood Development Education and Care Fund. The additional $600,000 transferred to the Veteran's commission capital improvement fund must be used for the purpose of funding veterans service officers.

The State Auditor is required to conduct annual audits of the Veteran's Capital Improvement Trust Fund and The Early Childhood Development, Education and Care Fund beginning January 1, 2011. The auditor must report findings from such audits no later than ten days from the completion of such audits.
JASON ZAMKUS

***** HB 1894 *****

SPONSOR: Bringer HANDLER: Bray

HB 1894 – This act modifies provisions relating to mental health services.

This act no longer allows public hospitals which are operated primarily for the care and treatment of mental disorders to be exempted from participating in the Hospital Reimbursement Allowance. Section

***** HB 1894 ***** **(Cont'd)**

SPONSOR: Bringer HANDLER: Bray

208.453

This provision is identical to a provision in SS/SB 1007 (2010).

Current law provides that interest shall be recovered on any and all sums due to any facility or program operated or funded by the Department of Mental Health on account of any patient or resident. This act provides that when the account is certified by the department director or his or her designee, rather than the head of the facility, such account shall be prima facie evidence of the amount due. Section 630.220

This provision is identical to SB 945 (2010).

This act provides that the Department of Mental Health shall cooperate and may directly contract with all state agencies, local units of government, any of the Governor's advisory councils or commissions and with the Missouri Mental Health Foundation in the delivery of programs designed to improve public understanding of attitudes toward mental disorders, developmental disabilities, and alcohol and drug abuse. Section 630.060

This provision is identical to SB 1059 (2010).
ADRIANE CROUSE

***** HB 1898 *****

SPONSOR: Zerr HANDLER: Dempsey

HCS/HB 1898 - Upon receipt of federal funding, this act establishes the Women's Heart Health Program within the Department of Health and Senior Services to provide heart disease risk screenings for women. If federal funding is not received, the department is not required to implement the program.

Eligible women for the program include those who are between 40 and 64 years of age, receive breast and cervical cancer screenings under the Missouri Show Me Healthy Women Program, are uninsured or underinsured, and have a gross family income at or below 200% of the federal poverty level. The department must contract with providers who currently provide services under the Missouri Show Me Healthy Women Program. Any woman whose screening indicates an increased risk of heart disease must receive appropriate follow-up care and be offered lifestyle education services to reduce risk for heart disease.
ADRIANE CROUSE

***** HB 1903 *****

SPONSOR: Icet HANDLER: Mayer

SCS/HCS/HB 1903 - This act creates the Federal Budget Stabilization Extension Fund to receive moneys from any federal legislation enacted by the 111th United States Congress intended to assist states in budget stabilization or that contains a provision that extends the temporary increase in the Medicaid Federal Medical Assistance Percentage (FMAP).

This act creates the Race to the Top Fund, in which all funds received from the federal government through the Race to the Top Program will be deposited. Prior to the distribution of any such funds, the Commissioner of Education must appear before the Joint Committee on Education and present the proposed distribution of funds. The Joint Committee must approve or deny, by majority vote, the Commissioner's proposed distribution. This provision is identical to SB 976 (2010).

The act contains an emergency clause.
JIM ERTLE

***** HB 1941 *****

SPONSOR: Parson HANDLER: Scott

SCS/HB 1941 - This act designates several portions of highways located within Missouri.

This act designates a portion of State Highway 53 in Butler County from the city limits of Qulin to one mile south of the city limits as the "Johnny Lee Hays Memorial Highway" (section 227.408). This provision may also be found in HB 1258 (2010).

This act designates a portion of U. S. Highway 36 in Macon County as the "Missouri State Trooper William Brandt Memorial Highway"(section 227.415). This provision is also contained in HB 1775 (2010).

This act designates a portion of Interstate 44 in Franklin County as the "Mo. Hwy. Patrolman Corporal Dennis E. Engelhard Memorial Highway" (section 227.414). This provision is also contained in HB 1776 (2010).

This act designates a portion of Interstate 44 in St. Louis County as the "Police Officer Ernest M. Brockman Sr. Memorial Highway" (Section 227.405). This provision is also contained in the perfected version of SB 841 (2010).

This act designates a portion of Lindbergh Boulevard in St. Louis County as the "Dave Sinclair Memorial Highway". The costs for the highway designation shall be paid for by private donations (Section 227.365). This provision is also contained in the perfected version of SB 841 (2010).

This act renames the portion of Interstate 70 located in St. Louis, currently designated as the Mark McGwire Highway, as the "Mark Twain Highway" (Section 227.303). This provision is also contained in the perfected version of SB 841 (2010).

This act designates a portion of State Highway 13 in Polk County as the "John Playter Memorial Highway (Section 227.416).

This act designates a portion of Interstate 64/U. S. Highway 40 as the "Jack Buck Memorial Highway" (Section 227.409). This provision may also be found in HB 2159 (2010).

This act designates a portion of State Highway 80 in New Madrid County as the "Gene Curtis Memorial Highway" (Section 227.391). This provision may also be found in HB 1310 (2010).

This act designates the bridge crossing over the Union Pacific Railroad located on U. S. Highway 24 near Wilson Road in the Fairmont Business District in the City of Independence in Jackson County as the "Sergeant Charles R. Long Memorial Bridge" (Section 227.412). The act also designates a portion of U. S. Highway 24 in Jackson County as the "Harry S. Truman Memorial Highway" (Section 227.413). These provisions may be found in HB 1330 (2010).

This act designates a pedestrian and bicycle lane on the southern-most, down stream U.S. Highway 54 bridge, crossing the Missouri River at Jefferson City, Missouri, in Cole County, as the "Pat Jones Pedestrian/Bicycle Lane". The department of transportation shall erect and maintain appropriate signs designating such pedestrian and bicycle lane, with the costs to be paid for by private donations (section 227.324)(SA 1).

This act corrects a highway reference contained in the "Dr. Martin Luther King Jr. Memorial Mile" designation (section 227.313)(SA 2).
STEPHEN WITTE

***** HB 1942 *****

SPONSOR: Parson HANDLER: Scott

***** HB 1942 ***** **(Cont'd)**

SPONSOR: Parson HANDLER: Scott

HB 1942 - Under current law, at least 6 members of a county Emergency Telephone Service 911 Board must represent public safety agencies. The act increases this requirement to 7 for such members in Polk County and prescribes which agencies the 7 members must represent.

Under current law, if a county tax has been approved by the voters for emergency services, the governing body of the county must annually adjust the tax rate, publish the rate in its minutes, and notify retailers. The act switches this duty from the county governing body to the emergency service board. The act states that emergency service boards are political subdivisions of the state.

Provisions of the act are similar to the perfected SB 849 (2010).
ERIKA JAQUES

***** HB 1965 *****

SPONSOR: McNary HANDLER: Cunningham

CCS/SCS/HCS/HB 1965 - This act repeals provisions that have been superceded by later statutes as well as provisions that are duplicated in other statutes. The act also modifies the production and distribution of the revised statutes and blue books and creates certain new committees.

Provisions with express expiration dates that have already passed are repealed under this act.

Intersectional references to statutes and subdivisions that are no longer codified in the statutes are removed under this act.

This act repeals provisions regarding one-time actions that have occurred, such as the abolishment of the Department of Business and Administration or assignments to various entities regarding reports and studies.

This act removes language from several statutes that currently reference the 2010 census and provides that the repeal and reenactment of these statues shall occur whenever the 2010 census estimates become available or April 1, 2011, whichever occurs first.

This act repeals language that provides for the automatic expiration of appropriations two months after a fiscal year and six months after the fiscal year for "governmental functions which require the utilization of good weather periods".

Current law allows the Commissioner of Administration to purchase surplus war materials and to select the personnel director and to nominate members of the Personnel Advisory Board. This act repeals both provisions. Another statute already allows the Governor to select the personnel director and the members of the Personnel Advisory Board without input from the Commissioner.

This act moves the provision establishing the Missouri Veterans Home Fund from Section 31.010, Funds of Eleemosynary, Educational and Penal Institutions, to Section 42.121, Veterans' Affairs.

Various provisions exempting from sales tax motor fuel sold within an Indian reservation or within Indian country sold among tribe members are repealed under this act. In addition, this act removes the definitions of "Indian country" and "Indian tribe" from the Motor Fuel Tax definitions.

This act repeals a provision requiring the Department of Health and Senior Services to approve courses in the study of dialysis techniques for employees of certified end-stage renal disease facilities.

Various provisions regarding controlled substances are repealed under this law, such as a prohibition on promotions or advertisements of controlled substances for use or sale. Also, this act repeals a section

SPONSOR: McNary HANDLER: Cunningham

of the drug laws that requires sellers of certain types of drugs to require buyers of the drugs to produce identification. The current law exempts certain types of buyers and provides a criminal penalty for its violation. This act also repeals provisions requiring sellers of certain drugs to register with the Department of Health and Senior Services.

This act repeals the state's National Historic Preservation Fund and the Medical Services Fund.

Under this act, an expiration date for a statute regarding annuity contracts for life, health and accident insurance is modified so it says the provisions will not apply to contracts made after 2006. The current language in the statute states that the provisions of the statute expire in 2006.

This act repeals a duty of the state treasurer to make out blank forms for returns and reports required by law to be submitted to the treasurer by county officers.

The Secretary of State's authority to establish and operate a microfilm service center for local agencies participating in the local records management program is repealed under this act.

The Commissioner of Administration is currently required to issue requests for bids to possible bidders in rotation when there are so many possible bidders that it would be impractical to submit a request to all of them. This act removes that requirement.

This act repeals a statute containing provisions that require each state department to submit each year a list of its estimated need for supplies to the commissioner of administration and that provide the process for purchasing those supplies.

A statute prohibiting descriptions of properties using the coordinate system if a point on a land boundary is within one kilometer of a horizontal control station is repealed under this act.

This act repeals various statutes affecting incorporated cities, towns or villages, such as statutes that requires notice to be given before anyone vacates a lot, street, alley, common or public square, that allow for the regulation of closing hours for barbers and beauty shops, that outline procedures that must be followed when a city withdraws money from its treasury and that require the state to reimburse for the cost of foster care.

Various statutes regarding orphanages are repealed by this act.

This act repeals the statutes that authorize various executive departments to provide specific programs, commissions and committees.

This act repeals a law authorizing the St. Louis Chamber of Commerce to appoint a board of flour inspectors.

Statutes that regulate the sale, manufacture and advertising of butter substitutes are repealed under this act.

This act repeals a law exempting certain facilities that treat Alzheimer's or dementia from the requirements of the Missouri Certificate of Need Law.

Various provisions related to the County Family Services Commission and the director of the division of family services are repealed by this act.

This act repeals a law requiring steamboat commanders to pay ferry owners for landing on their ferries.

SPONSOR: McNary HANDLER: Cunningham

Under current law, it is a misdemeanor if shippers of property packed with straw or grass fail to burn the straw or grass at the time of unpacking. The act repeals this current law.

This act repeals certain provisions relating to the state's implementation of the federal Soil Conservation and Domestic Allotment Act.

This act repeals a statute allowing bus drivers to use a CB radio.

An entire chapter regarding county licensure of pool tables is repealed under this act.

The Public Service Commission is currently allowed to enter into reciprocal agreements with other states dealing with motor carriers. This act repeals the commission's authority to enter such agreements.

This act repeals statutes making it a misdemeanor for railroad owners to provide cars to livestock shippers.

This act repeals provisions regulating steam engine locomotives and engineers.

An entire chapter regarding the estate of convicts is repealed under this act.

This act repeals various provisions regarding the Missouri Export Development Office Act.

The provisions of this act regarding obsolete statutes are similar to SB 960 (2010).

The Joint Committee on Legislative Research is authorized to create a web-based electronic compilation of the laws and resolutions approved by the General Assembly and the act requires the Secretary of State to publish on its website an electronic version of the Blue book. Current requirements for the distribution of copies of the revised statutes and the Blue Book are repealed. Also, the Revisor of Statutes is allowed to sell copies of the revised statutes in print or electronic formats and no longer has to supply blank order forms to each county circuit court clerk.

These provisions are similar to SB 798 (2010) and SB 908 (2008).

The Committee on Legislative Research is directed to create the "Joint Subcommittee on Recovery Accountability and Transparency" to oversee funds received by the state or any political subdivision under the American Recovery and Reinvestment Act of 2009. The subcommittee is to issue annual reports to the Governor and the General Assembly and make recommendations to agencies on how to prevent fraud, waste and abuse of the funds. The entire section created by this provision expires march 1, 2013.

This provision is similar to SB 757 (2010).

The act creates the "Joint Committee on Missouri's Promise" to develop suggestions for future legislative and budgetary actions to meet certain goals. The committee must report annually to the General Assembly.

This provision is identical to SB 1067 (2010).
JIM ERTLE

***** HB 1977 *****

SPONSOR: Wasson HANDLER: Griesheimer

HCS/HB 1977 - This act modifies the laws regarding emergency services and emergency medical

***** HB 1977 ***** **(Cont'd)**

SPONSOR: Wasson HANDLER: Griesheimer

technicians-intermediate.

This act requires all basic life support ambulances and stretcher vans to be equipped with an automated external defibrillator and staffed by at least one person trained in its use.

This act also repeals the provision allowing only emergency medical response agencies, fire departments, and fire protection districts to provide certain advanced life support services with emergency medical technicians-intermediate . The act also repeals the provision requiring emergency medical response agencies using emergency medical technicians-intermediate to work in collaboration with an ambulance service providing advanced life support with personnel training at the paramedic level.

A temporary emergency medical technician licensee is allowed to practice under the immediate supervision of a licensed emergency medical technicians-intermediate. Employers and supervisors of emergency medical technicians-intermediate are required to cooperate with the Department of Health and Senior Services compliance requirements under the Comprehensive Emergency Medical Services Systems Act. The definition of "emergency medical provider" as it relates to exposure to contagious or infectious diseases is amended to include emergency medical technicians-intermediate.
ADRIANE CROUSE

***** HB 2001 *****

SPONSOR: Icet HANDLER: Mayer

SCS/HCS/HB 2001 - Public Debt

.	Governor	House
GR	$ 74,891,457	$ 44,891,457
FEDERAL	0	0
OTHER	3,463,215	3,463,215
TOTAL	$ 78,354,672	$ 48,354,672

.	Senate	Final
GR	$ 34,891,457	$ 34,891,457
FEDERAL	0	0
OTHER	13,463,215	13,463,215
TOTAL	$ 48,357,672	$ 48,354,672

DAN HAUG

***** HB 2002 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2002 - Elementary and Secondary Education

.	Governor	House
GR	$2,806,349,128	$2,757,897,626
FEDERAL	1,017,282,377	997,828,377
STABILIZATION FUNDS	218,345,962	242,557,436
OTHER	1,389,673,044	1,395,973,044

***** HB 2002 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

.		
TOTAL	$5,432,196,511	$5,394,256,483

.	Senate	Final
GR	$2,682,440,856	$2,720,046,017
FEDERAL	997,828,378	997,828,378
STABILIZATION FUNDS	284,024,436	246,557,436
OTHER	1,398,673,044	1,398,673,044
TOTAL	$5,362,966,714	$5,363,104,875

DAN HAUG

***** HB 2003 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2003 - Higher Education

.	Governor	House
GR	$ 932,016,690	$ 935,321,114
FEDERAL	6,168,003	6,168,003
STABILIZATION FUNDS	39,952,504	39,952,504
OTHER	273,924,914	273,724,914
TOTAL	$1,252,062,111	$1,255,166,535

.	Senate	Final
GR	$ 911,614,649	$ 911,637,406
FEDERAL	6,168,003	6,168,003
STABILIZATION FUNDS	39,952,504	39,952,504
OTHER	273,724,914	273,724,914
TOTAL	$1,231,460,070	$1,231,482,827

DAN HAUG

***** HB 2004 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2004 - Revenue & Transportation

REVENUE

.	Governor	House
GR	$ 74,437,739	$ 76,035,978
FEDERAL	6,865,546	6,865,545
STABILIZATION FUNDS	0	0
OTHER	350,363,570	349,182,983

SPONSOR: Icet HANDLER: Mayer

.		
TOTAL	$ 442,716,534	$ 432,084,506

.	Senate	Final
GR	$ 71,461,586	$ 71,461,586
FEDERAL	6,865,545	6,865,545
STABILIZATION FUNDS	0	0
OTHER	353,363,570	353,363,570
TOTAL	$ 431,690,701	$ 431,690,701

TRANSPORTATION

.	Governor	House
GR	$ 13,394,880	$ 17,975,136
FEDERAL	75,181,950	75,181,950
STABILIZATION FUNDS	0	0
OTHER	2,536,165,284	2,536,215,284
TOTAL	$2,624,742,114	$2,629,372,370

.	Senate	Final
GR	$ 14,334,842	$ 15,334,842
FEDERAL	75,181,950	75,181,950
STABILIZATION FUNDS	0	0
OTHER	2,536,127,492	2,536,127,492
TOTAL	$2,625,644,284	$2,626,644,284

DAN HAUG

*** HB 2005 ***

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2005 - Office of Administration

OFFICE OF ADMINISTRATION

.	Governor	House
GR	$157,213,787	$ 148,173,582
FEDERAL	72,282,150	72,282,149
STABILIZATION FUNDS	528,000	528,000
OTHER	63,880,818	63,880,818
TOTAL	$293,904,755	$ 284,864,549

.	Senate	Final

***** HB 2005 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

GR	$151,706,900	$ 149,923,090
FEDERAL	72,005,304	72,282,149
STABILIZATION FUNDS	528,000	528,000
OTHER	63,628,046	63,880,818
TOTAL	$287,868,250	$ 286,614,057

EMPLOYEE BENEFITS

	Governor	House
GR	$584,842,514	$ 575,841,848
FEDERAL	212,894,534	211,703,129
STABILIZATION FUNDS	0	0
OTHER	182,204,180	180,369,632
TOTAL	$979,941,228	$ 967,914,609

	Senate	Final
GR	$532,905,937	$ 532,813,437
FEDERAL	196,247,991	196,247,991
STABILIZATION FUNDS	0	0
OTHER	170,627,563	170,627,563
TOTAL	$899,781,491	$ 899,688,991

DAN HAUG

***** HB 2006 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2006 - Agriculture, Natural Resources & Conservation

AGRICULTURE

	Governor	House
GR	$ 44,340,263	$ 29,479,502
FEDERAL	4,145,134	4,317,586
OTHER	14,528,318	14,396,639
TOTAL	$ 63,013,715	$ 48,070,848

	Senate	Final
GR	$ 22,412,805	$ 22,647,496
FEDERAL	4,317,568	4,317,568
OTHER	14,518,318	14,518,318
TOTAL	$ 41,248,691	$ 41,683,382

***** HB 2006 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

NATURAL RESOURCES

	Governor	House
GR	$ 9,772,970	$ 9,278,672
FEDERAL	44,426,749	44,380,809
OTHER	256,815,232	256,815,232
TOTAL	$311,014,951	$310,474,713

	Senate	Final
GR	$ 9,048,436	$ 9,038,406
FEDERAL	44,426,74	44,426,749
OTHER	256,815,232	256,815,232
TOTAL	$310,290,417	$310,280,387

CONSERVATION

	Governor	House
GR	$ 0	$ 0
FEDERAL	0	0
OTHER	145,534,841	145,534,841
TOTAL	$143,534,841	$145,534,841

	Senate	Final
GR	$ 0	$ 0
FEDERAL	0	0
OTHER	145,534,841	$145,534,841
TOTAL	$145,534,841	$145,534,841

DAN HAUG

***** HB 2007 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2007 - Economic Development, Insurance & Labor and Industrial Relations

ECONOMIC DEVELOPMENT

	Governor	House
GR	$ 61,403,533	$ 60,397,572
FEDERAL	164,191,113	164,167,461
OTHER	57,142,339	57,131,082
TOTAL	$282,736,985	$281,696,115

	Senate	Final

SPONSOR: Icet HANDLER: Mayer

GR	$ 38,614,591	$ 38,882,809
FEDERAL	164,149,112	164,142,199
OTHER	53,552,363	53,752,363
TOTAL	$256,316,066	$256,777,371

INSURANCE

	Governor	House
GR	$ 0	$ 0
FEDERAL	700,001	700,000
OTHER	36,439,040	36,250,969
TOTAL	$ 37,139,041	$ 36,950,969

	Senate	Final
GR	$ 0	$ 0
FEDERAL	1,700,000	1,700,000
OTHER	36,439,040	36,439,040
TOTAL	$ 38,139,040	$ 38,139,040

LABOR AND INDUSTRIAL RELATIONS

	Governor	House
GR	$ 2,215,539	$ 1,711,536
FEDERAL	47,967,730	39,731,702
OTHER	81,674,604	79,513,797
TOTAL	$131,857,873	$120,957,035

	Senate	Final
GR	$ 1,982,423	$ 1,982,423
FEDERAL	47,950,558	47,950,558
OTHER	62,803,852	62,803,852
TOTAL	$112,736,833	$112,736,833

DAN HAUG

*** HB 2008 ***

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2008 - Public Safety

	Governor	House
GR	$ 57,575,975	$ 55,589,849
FEDERAL	113,063,687	113,090,687
OTHER	356,563,182	356,563,182

***** HB 2008 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

TOTAL	$527,202,844	$525,243,718

.	Senate	Final
GR	$ 54,268,676	$ 54,268,676
FEDERAL	113,090,687	113,090,687
OTHER	356,463,182	356,463,182
TOTAL	$523,822,545	$523,822,545

DAN HAUG

***** HB 2009 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2009 - Corrections

.	Governor	House
GR	$608,988,584	$508,839,803
FEDERAL	10,434,834	10,434,834
STABILIZATION FUNDS	0	100,000,000
OTHER	53,163,438	53,163,438
TOTAL	$672,586,856	$672,438,075

.	Senate	Final
GR	$593,435,940	$593,435,940
FEDERAL	10,434,834	10,434,834
STABILIZATION FUNDS	0	0
OTHER	56,163,438	$ 56,163,438
TOTAL	$660,034,212	$660,034,212

DAN HAUG

***** HB 2010 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2010 - Mental Health & Health

MENTAL HEALTH

.	Governor	House
GR	$ 594,741,954	$ 585,488,239
FEDERAL	585,980,668	581,730,668
OTHER	44,577,524	44,577,524
TOTAL	$1,225,300,146	$1,211,796,431

.	Senate	Final

***** HB 2010 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

GR	$ 575,426,388	$ 575,426,388
FEDERAL	578,775,972	578,775,972
OTHER	0	0
TOTAL	$1,199,029,884	$1,199,029,884

HEALTH

	Governor	House
GR	$260,274,465	$ 254,092,938
FEDERAL	650,455,128	648,285,398
OTHER	25,644,597	25,644,597
TOTAL	$936,374,190	$ 928,022,933

	Senate	Final
GR	$246,038,783	$ 247,405,720
FEDERAL	647,854,155	647,854,155
OTHER	25,644,597	25,644,597
TOTAL	$919,537,535	$ 920,904,472

DAN HAUG

***** HB 2011 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2011 - Social Services

	Governor	House
GR	$1,627,724,418	$1,328,933,463
FEDERAL	4,096,056,544	4,068,218,201
STABILIZATION FUNDS	0	200,000,000
OTHER	2,174,408,216	2,174,408,216
TOTAL	$7,898,189,178	$7,771,559,880

	Senate	Final
GR	$1,459,230,967	$1,458,352,466
FEDERAL	4,011,103,170	4,011,581,216
STABILIZATION FUNDS	0	0
OTHER	2,186,658,673	$2,186,658,673
TOTAL	$7,656,992,810	$7,656,592,355

DAN HAUG

***** HB 2012 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2012 - Elected Officials, Judiciary, Public Defender & General Assembly

ELECTED OFFICIALS

.	Governor	House
GR	$ 48,611,852	$ 46,296,492
FEDERAL	22,484,598	22,484,598
OTHER	44,365,721	43,983,045
TOTAL	$115,462,171	$112,764,135

.	Senate	Final
GR	$ 45,840,381	$ 45,840,381
FEDERAL	22,484,598	22,484,598
OTHER	43,927,721	43,993,721
TOTAL	$112,252,700	$112,318,700

JUDICIARY

.	Governor	House
GR	$169,227,216	$ 169,227,216
FEDERAL	10,408,187	10,408,187
OTHER	10,292,942	10,292,942
TOTAL	$189,928,345	$ 189,928,345

.	Senate	Final
GR	$169,074,144	$ 169,074,144
FEDERAL	10,408,187	10,408,187
OTHER	10,292,942	10,292,942
TOTAL	$189,775,273	$ 189,775,273

PUBLIC DEFENDER

.	Governor	House
GR	$36,207,100	$ 36,207,100
FEDERAL	125,000	125,000
OTHER	2,980,263	2,980,263
TOTAL	$39,312,363	$ 39,312,363

.	Senate	Final
GR	$34,207,100	$ 34,707,100
FEDERAL	125,000	125,000

***** HB 2012 ***** **(Cont'd)**

SPONSOR: Icet HANDLER: Mayer

OTHER	2,980,263	2,980,263
TOTAL	$37,312,363	$ 37,812,363

GENERAL ASSEMBLY

	Governor	House
GR	$34,280,937	$ 34,464,737
FEDERAL	0	0
OTHER	292,255	292,255
TOTAL	$34,573,192	$ 34,756,992

	Senate	Final
GR	$33,188,673	$ 33,213,211
FEDERAL	0	0
OTHER	85,000	292,255
TOTAL	$33,273,673	$ 33,505,466

DAN HAUG

***** HB 2013 *****

SPONSOR: Icet HANDLER: Mayer

CCS/SCS/HCS/HB 2013 - Statewide Leasing

	Governor	House
GR	$118,573,063	$116,882,799
FEDERAL	23,195,547	23,195,547
OTHER	12,931,904	12,931,904
TOTAL	$154,700,514	$153,010,250

	Senate	Final
GR	$112,254,111	$112,267,504
FEDERAL	23,195,547	23,195,547
OTHER	12,931,904	12,931,904
TOTAL	$148,381,562	$148,394,955

DAN HAUG

***** HB 2014 *****

SPONSOR: Icet

SCS/HCS/HB 2014 - Supplemental Appropriations - Various Departments

	Governor	House
GR	$ 86,168,682	$ 86,168,682

***** HB 2014 ***** **(Cont'd)**

SPONSOR: Icet

FEDERAL STABILIZATION FUND	299,614,342 0	261,966,282 0
OTHER	44,138,436	44,138,435
TOTAL	$429,921,460	$392,273,399

	Senate	Final
GR	$ 86,168,682	$ 86,168,682
FEDERAL	261,738,038	153,173,205
STABILIZATION FUND	0	108,564,833
OTHER	44,138,435	44,138,435
TOTAL	$392,045,155	$392,045,155

DAN HAUG

***** HB 2016 *****

SPONSOR: Icet

SCS/HCS/HB 2016 - Refunds

	Governor	House
GR	$1,434,173,371	$1,434,173,371
FEDERAL	1,731,447	1,731,447
OTHER	46,454,205	46,454,205
TOTAL	$1,482,359,023	$1,482,359,023

	Senate	Final
GR	$1,434,156,958	$1,434,156,958
FEDERAL	1,731,447	1,731,477
OTHER	46,454,205	46,454,205
TOTAL	$1,482,342,610	$1,482,342,610

DAN HAUG

***** HB 2056 *****

SPONSOR: Diehl HANDLER: Bartle

HB 2056 - Currently, real estate liens based on unpaid child support or maintenance must include the person's Social Security number. This act requires only the last four digits of the Social Security number on the lien.

This act is identical to a provision of SB 985 (2010), HB 1908 (2010), HB 2046 (2010), HCS/SCS/SB 583 (2010), HCS/SB 893 (2010), SCS/HCS#2/HBs 1692, 1209, 1405, 1499, 1535 & 1811 (2010), SS/SCS/HB 1609 (2010), SCS/SB 1060 (2010).
EMILY KALMER

***** HB 2058 *****

SPONSOR: Diehl HANDLER: Schmitt

SS/SCS/HCS/HB 2058 - This act modifies the law relating to mechanic's liens against residential real property.

Those seeking to preserve the right to assert a mechanic's lien against residential real property, shall record a notice of rights in the office of the recorder of deeds for the county in which the property is located not less than 5 days prior to the intended closing date as stated in a notice of intended sale. A claimant accurately identified in a previously recorded notice of rights shall not be required to record a notice of rights. Those failing to record notice shall waive their right to assert a claim. A notice of rights filed after the owner's conveyance of the property to a bona fide purchaser for value shall not preserve the filer's rights to assert a claim. The act contains the form of notice to be used.

The recorder of deeds shall record the notice in the land records whereby the owners shall be designated "grantors" and claimants shall be designated "grantees". The grantee's signature shall not be required for recording.

If the record title owner has contracted with a claimant to perform work on the property to facilitate a sale, the owner shall record a notice of intended sale in the office of the recorder of deeds no less than 45 days prior to the earliest date the owner intends to close on the sale of the property. The notice shall state the intended date of closing.

The owner's recording of a notice of intended sale is a condition precedent to a claimant's obligation to record a notice of rights in order to retain mechanic's lien rights. The owner shall post a copy of the notice of intended sale at the property.

The owner shall provide a claimant with a copy of the notice of intended sale and a legal description within 5 days after the date of the owner receives a request from the claimant to do so. A claimant shall then provide any entity with which it has contracted the same notice within 10 days of a request.

Owners failing to record or disclose shall be liable for the claimant's actual and reasonable costs, including attorney's fees to obtain a legal description of the property. Owner's failure to deliver the information shall not affect the claimant's obligation to record a notice of rights.

Owners shall not be liable for error in the content of its disclosures. If the claimant relies in good faith upon the legal description provided by the owner, the notice shall comply and the rights to assert a lien shall be retained.

Currently, mechanic's lien claimants are required to file a just and true account of the demand due under section 429.080 when filing a lien. This act enumerates the items that shall be required to satisfy that requirement with respect to liens against residential real property.

Those wishing to have one's property released from a mechanic's lien may do so by depositing a sum, to act as substitute collateral for the lien, in an amount not less than 150% of the lien with the circuit clerk and record a certificate of deposit with the circuit clerk that includes a listing of the sum deposited, the name of the claimant; the number assigned to the lien; the amount being released; the legal description of the property; the name, address, and property interest of the person making the deposit; and a certification that the person has mailed a copy of the certificate of deposit to the claimant. Upon release of the property from the lien, by depositing the substitute collateral, the claimant's rights are transferred from the residential real property to the substitute collateral.

Requirements for valid, unconditional, final lien waivers for residential real property are enumerated and the form supplied. Such waivers are valid notwithstanding the claimant's failure to receive any promised payment or other consideration.

Claimants who have recorded a notice of rights and who have been paid in full for the work performed

***** HB 2058 ***** **(Cont'd)**

SPONSOR: Diehl HANDLER: Schmitt

shall timely execute an unconditional, final mechanic's lien waiver.

This act is similar to SB 893 (2010), SB 934 (2010), and SB 935 (2010).
CHRIS HOGERTY

***** HB 2070 *****

SPONSOR: Kelly HANDLER: Schaefer

CCS/HCS/HB 2070 - Currently, funds collected from a central fire and emergency dispatching services tax must be used solely for the purpose of establishing and providing the joint services except in St. Louis County where the funds are used for equipment and services by cities, towns, villages, counties, or fire protection districts which contract with the joint central fire and emergency dispatching service except for salaries, wages, and benefits. This allows all funds derived from the tax, including any existing surplus funds, to be used by any city, town, village, county, or fire protection district or a central fire and emergency service board for these purposes. Fire protection districts in Jefferson County that have levied property taxes under Section 321.243, RSMo, and imposed any communications tax for central fire and emergency dispatching services are permitted to seek voter approval to use the property tax revenues for general revenue purposes.

The act modifies provisions of law which authorize St. Louis County to impose a sales tax to fund the establishment, operation, and maintenance of an emergency communications system by making such tax effective on the first day of the second calendar quarter after the director of revenue receives notification of the adoption of the tax and exempting food sales from such tax. The Director of the Department of Revenue will collect and deposit the sales tax revenue, less a 1% collection fee, into the newly created County Emergency Communications Sales Tax Fund. The department director will disburse the funds monthly to the county.
JASON ZAMKUS

***** HB 2081 *****

SPONSOR: Riddle HANDLER: Goodman

HCS/HB 2081 - This act allows a woman to use deadly force if she reasonably believes that such deadly force is necessary to protect her unborn child against death, serious physical injury, or any forcible felony.
SUSAN HENDERSON MOORE

***** HB 2147 *****

SPONSOR: Brown HANDLER: Pearce

HCS/HBs 2147 & 2261 – This act modifies the A+ Schools Program. It allows students who are dependents of retired military who relocate to Missouri within one year of the date of the retirement to be exempt from the three year attendance requirement.

This act is substantially similar to a provision contained in SCS/HCS/HBs 1524 & 2260 (2010).
MICHAEL RUFF

***** HB 2161 *****

SPONSOR: Guest HANDLER: Goodman

HCS/HB 2161 - Under current law, the sale of driver's license application information to other organizations or states for commercial purposes is prohibited without the express permission of the

***** HB 2161 ***** **(Cont'd)**

SPONSOR: Guest HANDLER: Goodman

driver's license applicant. This act specifies that "commercial purposes" shall not include driver's license application information used, compiled, or obtained solely for purposes expressly allowed under the Missouri or federal Drivers Privacy Protection Act (section 302.183). This provision is also contained in SS/SCS/HB 2111 (2010) and HCS/SB 716 (2010).
STEPHEN WITTE

***** HB 2182 *****

SPONSOR: Munzlinger HANDLER: Clemens

HB 2182 - The act defines "agritourism" and makes the definition applicable any time the term is used in statute.
ERIKA JAQUES

***** HB 2198 *****

SPONSOR: Parson HANDLER: Griesheimer

SS/SCS/HCS/HB 2198 - This act modifies the Motor Vehicle Franchise Practices (MVFP) Act.

SECTION 407.812 - APPLICABILITY OF ACT
All motor vehicle franchise licenses and license renewals shall be issued under the modified MVFP act and all franchise agreements involving such licensed franchisors shall be subject to the modified provisions, or future provisions, regardless of the franchise's date of inception.

SECTION 407.815 - DEFINITIONS
The act modifies several existing definitions and adds multiple new definitions.

SECTION 407.817 - ISSUING NEW FRANCHISES
The act modifies what is considered to be the relevant market area for a proposed new dealership or relocation of a dealership by increasing the radius: from 6 to 8 miles in counties with populations greater than 100,000; and from 10 to 15 miles in counties with populations not greater than 100,000.

Before a carmaker can issue a new franchise, existing law requires the carmaker to provide written notification to existing dealers of the same line-make in the affected market area. The act requires the notification to identify the location and opening date of the new or relocated franchise.

Existing law exempts from the notification requirement a car dealership that has been closed within the previous year, if the dealership reopens within two miles of its former location. The act adds the criteria that the dealer franchise must be offered to the previous franchise owner, provided the previous franchise had not been terminated under the act or been voluntarily closed.

Existing law requires the Administrative Hearing Commission (AHC) to take into account various factors into any decision it makes regarding determinations of whether it is prudent for a new dealer franchise to be located in a certain area. The act adds as factors the size of investments and financial obligations of existing similar car dealerships in the area and potential damage they may suffer as a result of the new or relocated dealership. The AHC must also compare the benefit to the public and the carmaker of increased competition to the potential damage.

SECTION 407.818 - FRANCHISORS MUST BE LICENSED
Any business entity seeking to issue a franchise to sell or lease vehicles in the state must be licensed under Chapter 301, RSMo.

SECTION 407.819 - SUCCESSOR CARMAKERS
For a period of 2 years after a successor carmaker takes over the business operations of another

carmaker, the successor carmaker shall not offer a franchise in the relevant market area, unless it first offers the franchise to a car dealer that had its franchise ended in the market area by the predecessor carmaker.

SECTION 407.822 - FRANCHISOR-FRANCHISEE PROVISIONS

Existing law allows any party seeking relief under the MVFP act to file an application for a hearing through the AHC. Instead of applying for a hearing, the act allows any party to file a complaint. The AHC must send a copy of the complaint to the party against whom the relief is sought.

Under existing law, carmakers must give at least 15 days notice for the termination of a franchise under certain circumstances. The act modifies the criteria for some of these circumstances: any material misrepresentation by a car dealer must "substantially and adversely affect" the carmaker; certain bankruptcy proceedings "not vacated within 20 days"; and when a car dealer has not ceased an unlawful practice after having received a written 30-day warning from the carmaker.

The act modifies and adds requirements to the required notice to be sent to car dealers from a carmaker under certain circumstances: modifying the window of time that it informs the car dealer that it has in which to file a complaint with the AHC (increases from 20 to 30 days) and informing the car dealer of its right to demand nonbinding mediation.

The act allows a car dealer to seek damages and legal costs from a carmaker in any legal proceeding against the carmaker in which the car dealer prevails.

The act allows a car dealer to make a written demand for mediation to its franchisor for any violation of the MVFP act. The act specifies procedures for the mediation process.

SECTION 407.825 - UNLAWFUL PRACTICES

Current law contains 18 practices considered to be unlawful for a carmaker to perform with regard to a franchisee. The act specifies that these practices are also considered unlawful if they are performed indirectly by a carmaker through any agent, affiliate, common entity or representative of the carmaker. The act makes numerous modifications to the existing unlawful practices and adds 24 additional unlawful practices. The 24 additional unlawful practices include provisions pertaining to: conditioning the awarding of a franchise to a car dealer's willingness to enter into a site control or exclusive use agreement; failing to honor written warranties; coercing car dealers to move or substantially alter their dealerships; discriminating between franchises of the same line-make; withholding or delaying services or payments to a franchise that the franchisor has agreed to provide; establishing performance standards or plans that are unreasonable or unfair; or requiring disclosure of certain customer information.

SECTION 407.828 - FRANCHISOR COMPENSATION TO FRANCHISEE PROCEDURES

The act modifies provisions pertaining to preparation, delivery and warranty service provided by a car dealer. Franchisees must not be required to submit claims for payment any earlier than 30 days after the work was performed. Claims for payment must be paid by the franchisor within 30 days of their receipt. The act lists requirements for how the franchisee calculates its retail rate for parts, service, and labor. The act lists audit and documentation requirements.

SECTION 407.831 - INDEMNIFICATION

Franchisors must indemnify and hold harmless their franchisees from liability in the event a consumer files a lawsuit for the purchase of a damaged vehicle, when such vehicle was damaged prior to delivery of the vehicle to the car dealer and such damage was not disclosed in writing to the car dealer. Car dealers may reject, or require carmakers to repurchase, any vehicle that was damaged prior to delivery when the cost of repairing the damage exceeds 6% of the manufacturer's suggested retail price.

SECTION 407.833 - MODIFICATIONS TO FRANCHISES

SPONSOR: Parson HANDLER: Griesheimer

Franchisors must give at least 90 days written notice of any proposed franchise modification that substantially and adversely affects the franchisee's right, obligations, or finances unless the modification is required by law. The act lists procedures in case of a dispute.

SECTION 407.835 - COURT ACTIONS
Franchisees may recover litigation expenses and actual damages that a court finds they have sustained due to a violation of the MVFP act by a franchisor. The court may award punitive damages. Franchisors shall have the burden of proof that they acted in compliance with the MVFP act.

The act is similar to SB 724 (2010).
ERIKA JAQUES

***** HB 2201 *****

SPONSOR: Cox HANDLER: Schaefer

SS/SCS/HCS/HB 2201 - This act renames the Missouri Secure and Fair Enforcement for Mortgage Licensing and Residential Mortgage Brokers Licensing Act, the Missouri Secure and Fair Enforcement for Mortgage Licensing Act.

This amendment exempts entities that were considered exempt on July 7, 2009 from the requirement that they be licensed as a residential mortgage broker. This licensing exemption will last until June 1, 2010. Any entities that are already licensed are not eligible for a refund of the licensing fees.

These provisions have an emergency clause.

This act also authorizes conservators to invest liquid assets of the estate in accounts insured by the National Credit Union Share Insurance Fund.
EMILY KALMER

***** HB 2226 *****

SPONSOR: Wasson HANDLER: Scott

CCS/SCS/HB 2226 & HB 1824 & HB 1832 & HB 1990 - This act relates to the regulation of certain professions.

JOINT COMMITTEE ON LEGISLATIVE RESEARCH
(Section 23.156)
This act requires employees of the oversight division of the joint committee on legislative research to take an oath to support the constitution, faithfully demean themselves in office, to not disclose information to unauthorized persons, and to not accept gifts for the discharge of their duties. Any employee who violates these duties is guilty of a class a misdemeanor.

THIRD PARTY PAYER
(Section 208.215)
Under this amendment any third party payer, such as third party administrators, administrative service organizations, health benefit plans and pharmacy benefits managers, shall process and pay all properly submitted MO HealthNet subrogation claims using standard electronic transactions or paper claims forms for a period of three years from the date services were provided or rendered. However, such third party payers shall not:
(1) be required to reimburse for items or services which are not covered under MO HealthNet;
(2) deny a claim submitted by the state solely on the basis of the date of submission of the claim, the type or format of the claim form, failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(3) be required to reimburse for items or services for which a claim was previously submitted to the third party payer by the health care provider or the participant and the claim was properly denied by the third party payer for procedural reasons, except for timely filing, type or format failure to present proper documentation of coverage at the point of sale, or failure to obtain prior authorization;

(4) be required to reimburse for items or services which are not covered under or were not covered under the plan offered by the entity against which a claim form for subrogation has been filed.

Such third party payers shall reimburse for items or services to the extent that the entity would have been liable as if it had been properly billed at the point of sale, and the amount due is limited to what the entity would have paid as if it has been properly billed at the point of sale. The MO HealthNet division shall also enforce its rights within six years of a timely submission of a claim.

Certified computerized MO HealthNet records shall be prima facie evidence of proof of moneys expended and the amount due the state.

This provision is similar to a provision of CCS/HCS/SCS/SBs 842, 799, and 809 (2010), CCS/HCS/SS/SB 1007 (2010), and is similar to HB 2057 (2010) and SB 552 (2009).

CEMETERIES
(Sections 214.160, 214.270, 214.276, 214.277, 214.282, 214.283, 214.300, 214.310, 214.320, 214.325, 214.330, 214.335, 214.340, 214.345, 214.360, 214.363, 214.365, 214.367, 214.387, 214.389, 214.392, 214.400, 214.410, 214.500, 214.504, 214.508, 214.512, 214.516, 214.550)

This act modifies certain laws regarding cemeteries.

It allows county commissions that serve as trustees of funds for cemeteries to invest these funds in certificates of deposit.

Current law allows the division of professional registration to seek an injunction against certain unlicensed cemetery operators in the county in which the conduct occurred or in which the defendant resides. This act eliminates this specific venue provision.

Each contract sold by a cemetery operator for cemetery services and items such as grave lots, markers, and tombstones shall meet certain requirements. If these requirements are not met, the contract is voidable by the purchaser.

Except for family burial grounds, individuals and public and private entities are required to notify the Office of Endowed Care Cemeteries of the name, location, and address of real estate used for the burial of human bodies.

Cemetery operators are exempted from the prearranged contract requirements of chapter 436.

Currently, cemetery operators are required to correct deficiencies in the funding of endowed care trust funds. This act specifies that deficiencies do not include deficiencies caused by the fluctuating value of investments.

The requirements of endowed care trust funds and escrow accounts are modified in several ways. Among other changes, the requirement that a financial institution that serves as the trustee of an endowed care trust be located in Missouri is removed. Cemetery operators must maintain the name and address of the trustee and records custodian and supply the office with this information upon request. The trust records shall be maintained in Missouri, or electronically accessible. Missouri law shall control all endowed care trust funds and such funds will be administered in accordance with certain trust requirements. Endowed care cemetery funds may also be held in an escrow account in Missouri.

However, if the funds in the escrow account are over 350,000 dollars, in most cases they must be in an endowed care trust fund. Trustees and escrow agents shall consent in writing to Missouri jurisdiction and the supervision of the Office of Endowed Care Cemeteries.

Cemetery operators are required to notify the Division of Professional Registration at least thirty days prior to selling the business assets of the cemetery, or selling a majority of its stock. If the division does not disapprove, the cemetery operator can continue to take such action.

Sellers of prearranged burial merchandise and services are required to deposit a portion of the purchase price in an escrow or trust account. These funds are maintained in this account until delivery of the property, performance of the services, or the contract is cancelled. These escrow arrangements and trusts must each meet certain requirements. Cemetery prearranged contracts entered into after August 28, 2010 can be cancelled within thirty days of receiving the executed contract for a full refund, and at any time before the services or merchandise are provided, with exceptions, for 80% of the net amount of all payments made into the escrow account or trust.

The Division is allowed to direct a trustee, financial institution, or escrow agent to suspend distributions from endowed care trust funds or escrow accounts, if the cemetery operator is not licensed or does not meet certain other requirements, and after the cemetery operator is notified, and given sixty days to correct the violations. The cemetery operator may appeal this suspension.

Several provisions that previously applied to the city of st. Louis and allowed the sale of certain cemeteries owned by the city and applied to cemetery operators who purchased cemeteries from the city are now applied to all cities.

These provisions are identical to provisions of CCS#2/HCS/SCS/SB 754 (2010), SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010), HCS/HB 2388 (2010), and SB 753 (2010), and similar to HB 1845 (2010) and SB 416 (2009).

PRIVATE INVESTIGATORS
(Sections 324.1100, 324.1102, 324.1102, 324.1103, 324.1106, 324.1106, 324.1110, 324.1112, 324.1114, 324.1118, 324.1118, 324.1124, 324.1126, 324.1128, 324.1132, 324.1134, 324.1136, 324.1140, 324.1147)

This act requires that members of the Board of Private Investigator Examiners be Missouri residents for at least a year and registered voters. A board member's term shall be five years, instead of the current two year term.

The act also repeals a doubly-enacted section which limited the private investigator licensing exemption for employees of a not-for-profit organization, or its affiliate or subsidiary, to employees who make and process requests on behalf of health care providers and facilities for employee criminal background information. The section that remains exempts employees of an organization, whether for-profit or not-for profit, whose investigatory activities are limited to making and processing requests for criminal history records and other background information from state, federal, or local databases. The act also adds an exemption from private investigator licensing for certified public accountants and employees of the certified public accountant and of the accounting firm who assist in investigatory activities and modifies the exemption for individuals who contract with state and local government.

This act allows the Board of Private Investigator Examiners to deny a request for license to an applicant with a felony or misdemeanor conviction, even if the conviction occurred more than two years prior to the application date. The act also specifies that the board may deny a request for a license to an applicant who has received a suspended imposition of sentence following a plea of guilty to a misdemeanor offense and to an applicant who has been refused a license or had a license revoked in any other state. The board shall consider evidence of the applicant's rehabilitation when considering whether

to grant a license to the applicant.

A private investigator agency is prohibited from hiring an employee if within two years prior to the application date the person has received a suspended imposition of sentence following a plea of guilty to a misdemeanor offense.

The division of professional registration, rather than the board of private investigator examiners, is required to determine the form of the license. The procedure for renewing a license is modified, to among other things provide for the payment of a delinquent renewal fee. The fee for additional licenses is no longer one-half the cost of the original license, but is a fee determined by the board.

Licensees are required to maintain information about their employees as required by the board.

If a licensee is required by contract or court order to destroy, seal, or return records related to their work to a party in a lawsuit, then the licensee is required to maintain a copy of the contract or court order.

The board is required to license, rather than certify, individuals who are qualified to train private investigators. These trainers are no longer required to be 21 years old, licensed as a private investigator, and have a year of supervisory experience with a private investigator agency.

These provisions are similar to SB 1003 (2010), HCS/SCS/SB 754 (2010), HCS/HB 2388 (2010), HB 1779 (2010), HB 1912 (2010), HB 2170 (2010).

BOARD FOR ARCHITECTS, PROFESSIONAL ENGINEERS, PROFESSIONAL LAND SURVEYORS AND LANDSCAPE ARCHITECTS
(Sections 327.031, 327.041, 327.351, and 327.411)

This act adds another professional engineer member to the Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects. It also allows a landscape architect to be the chairperson of the board. It also gives each member of the landscape architectural division of the board a vote when voting on action pending before the board. Beginning August 28, 2010, the chairperson of the board will rotate sequentially among an architect, professional engineer, professional land surveyor, and landscape architect. The chairperson shall only serve one four year term as chairperson. The chairperson of the landscape architectural division will be a vice chairperson of the board and will be ranking vice chairperson when the chairperson of the board is a landscape architect.

Eight members of the board, including at least one from each division will be required for a quorum for board business. Two voting members of each division of the board will be required for a quorum for division business.

A faculty member at an accredited school with the rank of assistant professor or higher will be regarded as actively practicing landscape architecture, in order to eligible for board membership.

The board will no longer be required to have the advice of the attorney general to summon or subpoena witnesses and documents under hearing or investigation.

The act also specifies that licensees are personally responsible for the contents of all documents to which they affix their seal, whether they were prepared or drafted by another licensee, or not. Licensees are also specifically required to only perform those architectural, professional engineering, professional land surveying, and landscape architectural services as they are qualified by education, training, and experience to perform.

Also, professional land surveyors with inactive licenses may continue to use the title "professional land

SPONSOR: Wasson HANDLER: Scott

surveyor" or the initials "PLS" after their name.

This act is similar to SS/SCS/HCS#2/HB 1692, 1209, 1405, 1499, 1535, & 1811 (2010), HCS/SCS/SB 754 (2010), HB 1639 (2010), HCS/HB 2388 (2010), and SB 298 (2009).

DENTAL ASSISTANTS AND DENTAL HYGIENISTS
(Sections 332.011, 332.098)

This act requires dental assistants and dental hygienists to obtain a permit from the dental board in order to perform expanded-function duties. Expanded-function duties are reversible acts that would be considered the practice of dentistry that the board specifies by rule may be delegated to a dental assistant or dental hygienist with an expanded-functions permit. This permit must be renewed every five years.

This act is similar to provisions of HCS/SCS/SB 754 (2010), and HCS/HB 2388 (2010), and SB 953 (2010) and HB 2229 (2010).

PHYSICAL THERAPISTS
(Section 334.100, 334.506, 334.613)

This act authorizes physical therapists to accept prescriptions for treatment from advanced practice registered nurses licensed in Missouri.

This act is similar to HB 1449 (2010), SB 986 (2010), and provisions of HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

PHYSICIANS AND PHYSICIAN ASSISTANTS
(Section 334.735)

This act provides that doctors and physician assistants working in rural health clinics are not required to meet state law supervision requirements that exceed the minimum federal law requirements if the physician-physician assistant team has been granted a waiver of the state laws that require certain amounts of on-site supervision by a doctor and that require physician assistants to practice within a certain distance of the doctor. The board of healing arts is allowed to void a current waiver after conducting a hearing and issuing a finding of fact that the physician-physician assistant team has failed to comply with the federal act or that either member of the team has violated a provision of the licensing laws.

Currently, a physician assistant is not permitted to prescribe or dispense any drug, medicine, device or therapy without consulting the supervising physician. This act removes this requirement.

This act is similar to HB 1738 (2010), and a provision of HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

NURSES AND HEALTH CARE PROFESSIONALS
(Section 335.075, 383.130, 383.133)

This act requires employers to check the license status of registered nurses, licensed practical nurses, and advanced practice registered nurses.

The act also adds home health agencies, nursing homes, nursing facilities, and any entity that employs or contracts with licensed health care professionals to provide healthcare services to individuals to the list of entities that are required to report to professional licensing authorities when disciplinary action is taken against a health care professional, or when the health care professional resigns while there are pending complaints that might have led to disciplinary action.

These provisions are similar to SB 1022 (2010) and a provision of HB 1990 (2010), HCS/HB 2388 (2010), HCS/SCS/SB 754 (2010).

SPONSOR: Wasson HANDLER: Scott

NURSES
(Section 335.081)

This act exempts nurses who are legally qualified and licensed in another state, territory, or foreign country from having to be licensed in Missouri if the nurse is transporting patients into, out of, or through Missouri and the transport does not exceed forty-eight hours.

This provision is similar to a provision of HB 1990 (2010), HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

PROFESSIONAL COUNSELORS
(Section 337.528)

This act requires the committee for professional counselors to destroy documentation of complaints made by sexually violent predators against licensed professional counselors, if the complaint does not result in discipline. Past unsubstantiated complaints by sexually violent predators against a licensed professional counselor shall be destroyed upon request.

This provision is similar to HB 1832 (2010), and a provision of HCS/HB 2388 (2010) and CCS/HCS/SCS/SB 754 (2010).

SOCIAL WORKERS
(Sections 337.600, 337.603, 337.615, 337.618, 337.643)

The act eliminates the option of receiving a provisional license as a clinical social worker for applicants who have not yet completed their supervised clinical experience.

Currently, for a social worker to qualify as a qualified advanced macro supervisor, qualified baccalaureate supervisor, or qualified clinical supervisor, the social worker must have practiced in the field he or she will be supervising for at least five uninterrupted years. This act modifies this requirement so that these supervisors must have practiced in the field of social work as a licensed social worker and so their five years of practice may have been interrupted.

Currently, if supervised, a practitioner of master social work may engage in practices reserved to clinical social workers or advanced macro social workers. This act limits this practice to no more than four years for the purpose of obtaining a license as a clinical social worker or an advanced macro social worker.

These provisions are similar to HB 1824 (2010) and provisions of HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

MARITAL AND FAMILY THERAPISTS
(Sections 337.700, 337.703, 337.705, 337.706, 337.715, 337.718, 337.727, 337.739)

This act creates a provisional license for a marital and family therapist. A provisional licensed marital and family therapist will be required to have at least a master's degree, be supervised by a qualified supervisor as defined by rule, and meet all the licensing requirements, except for the required twenty-four months of supervised clinical experience.

This act also requires that state officials, employees, commissions, agencies, counties, municipalities, school districts, and political subdivisions not discriminate between persons licensed under the marital and family therapy statutes when promulgating rules or when requiring or recommending services that these individuals may legally perform.

These provisions are similar to HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

SPONSOR: Wasson HANDLER: Scott

WHOLESALE DRUG DISTRIBUTORS
(Sections 338.333, 338.335, 338.337)

If wholesale drug distributors who distribute drug-related devices in Missouri meet certain conditions, this act exempts them from having to obtain a license from the board of pharmacy for out-of-state distribution sites. A Missouri wholesale drug distributor who receives shipments from these out-of-state sites is responsible for all shipments received.

These provisions are similar to SCS/SB 914 (2010), HB 1997 (2010), and provisions of HCS/HB 2388 (2010) and HCS/SCS/SB 754 (2010).

BOARD OF NURSING HOME ADMINISTRATORS
(Section 344.010, 344.020)

This act adds residential care facilities to the definition of "nursing home" in the chapter regarding nursing home administrators. This act also provides that the Board of Nursing Home Administrators may issue separate licenses to administrators of residential care facilities that were licensed as a residential care facility II on or before August 27, 2006, that continue to meet the licensure standards for a residential care facility II in effect on August 27, 2006. Any individual who receives a license to operate a residential care facility or an assisted living facility is not authorized to operate any skilled nursing or intermediate care facility.

These provisions are similar to provisions of CCS/HCS/SCS/SB 754 (2010) and HCS/HB 2388 (2010).

HOSPITAL LICENSES
(Section 1)

This act requires an applicant for hospital licensure to identify the premises of its hospital base in the application. Any other buildings or facilities located within one thousand yards of the hospital base and operated or maintained by the applicant to support the hospital base or to provide hospital-based inpatient, outpatient, or ancillary services shall be included in the hospital's license, provided the remote location meets the Department of Health and Senior Services regulations applicable to hospital construction and operational standards.

This provision is similar to SB 1023 (2010).

EMILY KALMER

*** HB 2231 ***

SPONSOR: Wasson HANDLER: Goodman

HCS/HB 2231 - This act modifies the procedures by which a funeral establishment may dispose of cremated remains. Funeral establishments are authorized to dispose remains in accordance with a cremation contract, except if otherwise prohibited by law. If the remains are not delivered to another funeral establishment or as directed by the person who contracted for the cremation, funeral establishments are also authorized to deliver the remains to any person listed by statute as next-of-kin for the purpose of disposing of a human body.

This act requires funeral establishments to send notice of unclaimed cremated remains by regular mail, with confirmation of delivery, rather than by certified mail. The act also eliminates the requirement that a funeral establishment publish notice in the newspaper before scattering or interring cremated remains, when the person or establishment who contracted for the cremation cannot be contacted by mail and does not claim the remains.

This act is identical to provisions in HCS/HB 2388 (2010), HCS/SCS/SB 754 (2010), and similar to a provision of SCS/HBs 2226, 1824, 1832, and 1990 (2010).

EMILY KALMER

*** HB 2262 ***

SPONSOR: Day HANDLER: Stouffer

HCS/HBs 2262 & 2264 - This act allows the adjutant general of the Missouri National Guard to establish the Missouri Youth Challenge Academy. This academy will provide residential, military-based training and supervised work experience to at-risk high school age youth. The act creates the Missouri Youth Challenge Fund to fund the academy. The fund consists of gifts, donations, appropriations, transfers and bequests. The adjutant general is given authority to establish rules to administer the Missouri Youth Challenge Academy and to make grants from the fund.

This act has an emergency clause.

This act is identical to a provision of SCS/HCS/HB 1524 & 2260 (2010).
EMILY KALMER

***** HB 2270 *****

SPONSOR: Cooper HANDLER: Shields

HB 2270 - This act allows child abuse medical resource centers and providers receiving training from the Sexual Assault Forensic Examination Child Abuse Resource Education (SAFE CARE) network to collaborate directly or through the use of technology to promote improved services to children who are suspected victims of abuse that will need to have a forensic medical evaluation by providing specialized training for such evaluations in a hospital, child advocacy center, or by a private health care professional. Such evaluations may be conducted without the need for a collaborative agreement between the resource center and a SAFE CARE provider.

The SAFE CARE network is required to develop recommendations concerning medically based screening processes and forensic evidence collection for children who may be in need of an emergency examination following an alleged sexual assault. The recommendations shall be provided to the SAFE CARE providers, child advocacy centers, hospitals and licensed practitioners that provide emergency examinations for such children.
ADRIANE CROUSE

***** HB 2285 *****

SPONSOR: Thomson HANDLER: Lager

SCS/HB 2285 - This act authorizes the governor to convey state property and an easement in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger at the Maryville airport and was previously used by the Missouri National Guard.

This act provides that the Commissioner of the Office of Administration shall provide each senator and representative with a key that accesses the dome of the state capitol and authorizes the Governor to convey various state properties

The act contains an emergency clause for certain sections.

This act has provisions also contained in SS/SCS/HB 2317 (2010), CCS#3/HCS#2/SB 844 (2010), and CCS/SCS/HB 1868 (2010).
SUSAN HENDERSON MOORE

***** HB 2290 *****

SPONSOR: Wasson HANDLER: Justus

SS/HB 2290 - This act provides that the Children's Division within the Department of Social Services shall develop rules to become effective by July 1, 2010, modifying the income eligibility criteria for any

SPONSOR: Wasson HANDLER: Justus

person receiving state-funded child care assistance, either through vouchers or direct reimbursement to child care providers.

Eligible child care recipients under state law and regulation may pay a fee based on adjusted gross income and family size unit based on a child care sliding scale fee established by the Children's Division, which is subject to appropriations. However, a person receiving state-funded child care assistance whose income surpasses the annual appropriation level may continue to receive reduced subsidy benefits on a scale established by the Children's Division, at which time such person will have assumed the full cost of the maximum base child care subsidy benefits. "Annual appropriation level" is defined as the maximum income level to be eligible for a full child care benefit as determined through the annual appropriations process.

The sliding scale fee may be waived for children with special needs as established by the division. The maximum payment by the division shall be the applicable rate minus the applicable fee.

This act removes obsolete statutory references to the preneed funeral law in the public assistance chapter.
ADRIANE CROUSE

***** HB 2297 *****

SPONSOR: Molendorp HANDLER: Wilson

CCS/SCS/HCS/HB 2297 - This act authorizes the establishment of the Kansas City Zoological District which may be composed of the counties of Cass, Clay, Jackson, and Platte at the option of the voters of each county. Each member county may impose, upon voter approval, a sales tax of up to one-quarter of one percent for the financial support of zoological activities within the district, but such tax will not be effective in Cass, Clay, or Platte County unless Jackson County also imposes and collects the tax. The district will be governed by a commission comprised of one member of the governing body of each county that is part of the district; and one member of the Kansas City, Missouri Board of Parks and Recreation. The governing body of each eligible county may appoint one member to the commission which is selected from a list of three individuals provided by the Friends of the Zoo Inc. The lists of three potential members provided by the Friends of the Zoo Inc, may only contain individuals that are at least twenty-one years of age, and resident registered voter of the eligible county to which the list is provided. Members appointed by each eligible county which are selected from the list provided by the Friends of the Zoo Inc will serve four year terms. Eligible charter counties may appoint a member from the list provided by the Friends of the Zoo by a simple majority vote. Eligible noncharter counties may only appoint a member from the list provided by the Friends of the Zoo upon a unanimous vote of the governing body of such county.

The administrative expenses of the district incurred during the first six months after its creation must be appropriated to the commission by the member counties; thereafter, the district will be financed by the sales tax revenues collected and deposited into the newly created Kansas City Zoological District Sales Tax Trust Fund. Five years after its creation, the commission will be authorized to borrow money for the construction, operation, improvement, and maintenance of zoological facilities. The commission must submit an annual report to the governing body of each member county; the Kansas City, Missouri Board of Parks and Recreation; and the Friends of the Zoo, Incorporated detailing the commission's operations and transactions.

This act is similar to Senate Bill 1002 (2010).
JASON ZAMKUS

***** HB 2317 *****

SPONSOR: Tracy HANDLER: Crowell

SPONSOR: Tracy HANDLER: Crowell

SS/SCS/HB 2317 - This act modifies provisions relating to state properties and the conveyance thereof.

SECTION 8.106

This section provides that the Commissioner of the Office of Administration shall provide each Senator and Representative with a key that accesses the dome of the state capitol.

SECTION 1

This section authorizes the governor to convey state property located at the Veterans Home in Cape Girardeau County to the City of Cape Girardeau, as well as a permanent easement and a temporary construction easement.

SECTION 2

This section also authorizes the governor to convey state property located at the Missouri Lottery Headquarters in Jefferson City to owners of certain private property for the purpose of vacating an easement.

SECTION 3

This section authorizes the governor to convey state property in Cole County, known as the Church Farm Bottoms correctional facility.

SECTION 4

This section authorizes the governor to convey state property at the Western Missouri Mental Health Center located in Kansas City.

SECTION 5

This section authorizes the governor to convey state property and an easement in Nodaway County to the City of Maryville. The property is a state-owned airplane hanger at the Maryville airport and was previously used by the Missouri National Guard.

SECTION 6

This section authorizes the governor to convey state property located at the South East Missouri Mental Health Center located in Farmington.

SECTION 7

This section authorizes the governor to convey state property located at the New Ballwin Mental Health Group Home in St. Louis County.

SECTION 8

This section authorizes the governor to convey state property at the Boonville Correctional Center located in Boonville.

SECTION 9

This section authorizes the governor to convey state property located in Franklin County.

SECTION 10

This section authorizes the governor to convey state property at the Sunrise State School located in Marshfield.

SECTION 11

This section authorizes the governor to convey state property at the Nevada Habilitation Center located in Nevada.

SPONSOR: Tracy HANDLER: Crowell

This act contains an emergency clause on sections 1-11.

Certain provisions of this act are similar to SB 304 (2009), a provision contained in SCS/SB 544 (2009), SCS/HB 2285 (2010), SB 993 (2010), CCS#3/HCS#2/SB 844 (2010), and CCS/SCS/HB 1868 (2010).

SUSAN HENDERSON MOORE